

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SECOND SPECIAL SESSION, 1999
VOL. 1



DON SIEGELMAN, Governor
STEVE WINDOM, Lieutenant Governor
LOWELL BARRON, President Pro-Tem of the Senate
SETH HAMMETT, Speaker of the House
DEMETRIUS NEWTON, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1999 Second Special Session of the Legislature of Alabama and is the official publication of such acts.

Jim Bennett
Secretary of State

PREFACE

The right of open access to the public record is fundamental to the operation of a democracy. This access provides citizens with the ability to examine, on their own and absent the interpretation of others, the actions of their elected representatives. Through this examination, citizens make informed, and better decisions, about the character of the government. The *Acts of the Alabama Legislature* provides a detailed account of the actions of the state legislature during 1999. Its pages continue our nation's long-standing tradition of a responsive government that encourages a constant and vigilant review by its citizens.

I hope you find the *Acts of the Alabama Legislature* informative.

Jim Bennett
Secretary of State

GOVERNOR DON EUGENE SIEGELMAN
"STATE OF THE STATE" ADDRESS
MARCH 2, 1999

Tonight the people's business begins.

The people of Alabama hired us to do a job. They expect results, and we are going to give them results.

First, the people want the best education for their children.

That means college scholarships. That means voluntary pre-kindergarten. That means state-of-the-art computers.

That means accountability. And that means safe schools.

That is the people's agenda, and that is my agenda. Together, we will get it done.

Ladies and gentlemen, there is no better investment, no higher priority, than our children's education.

We must ensure that every child, regardless of where they are born or to whom, has the same hope and expectation that they can attend college, get a good job and provide for their family's future.

We will write a new chapter for Alabama public education.

We will change education in Alabama forever.

We will demand accountability in the classroom.

We will demand higher graduation standards from our children, we will end social promotion and demand higher standards from our teachers and from our principals.

That is what Alabama parents want, that is what our children deserve and that is what our children will have.

There is a plague of violence in our schools, and I'm going to do something about it. And I mean business. My School Violence Act mandates a "One Strike and You're Out" Policy on guns and drugs.

But we won't stop there. We will create a statewide system of alternative schools. We will get chronic troublemakers out of our classrooms so that the rest of our students can learn in peace.

But we won't stop there. Safe schools also mean safe, permanent classrooms. When we are done, unsafe portable and substandard classrooms of any shape, size or description will be eliminated from our schools.

But we won't stop there. We must recruit and keep the best and the brightest teachers for our classrooms. I am committed to raising teachers and principals salaries to the national average.

But we won't stop there. We will invest in teacher training. Research shows that teacher training is the single most effective method of increasing student performance.

I propose funding two new teacher training days, days that will give our teachers the skills they'll need to teach technology in the new century.

We will continue teacher training with the Alabama Reading Initiative. Teachers will attend intensive seminars to learn how to identify children with reading problems and how to teach every child to read better.

Since using the reading initiative, the Verner Elementary School in Tuscaloosa reports that 64 percent, nearly two-thirds, of their students are reading a full year above their grade level.

We will provide \$4 million dollars for this program, and I pledge to take this program statewide during my term as governor.

And we will reward teaching excellence. Tonight we have with us three winners of the American Teacher Award – Cathy Hess Wright, Gary Moore and Sara Bopp Strange – all from Booker T. Washington Magnet High School here in Montgomery.

This annual award is given to only 36 teachers nationwide.

Also with us here are Cheryl Carter and Henry Terry – winners of the Readers Digest American Heroes in Education Award. Each year there are only ten awards given across the nation and two of them are right here in Alabama.

Ladies and Gentlemen, please help me in welcoming these outstanding teachers.

We need to reward teachers like these and encourage others.

And so tonight, I announce that the state of Alabama will award a \$5,000 grant for every teacher who receives National Board Certification, one of the highest honors a teacher can receive. I challenge the private sector to match this award, making the grant worth \$10,000.

In exchange for investing in teachers, we will demand accountability. Alabama will have new teacher testing and we will have tough evaluations for tenured teachers.

And parents need to be assured that when they leave their children – their most precious possession – at school they are left in the safest hands possible.

We will demand background checks for teachers.

But we won't stop there. We will begin to reduce overcrowding in our classrooms. We will hire more teachers – 600 new teachers this year – for Alabama's classrooms, targeted at kindergarten through the third grade where children need more individual attention.

Adults in this state have created the toughest high school graduation exam in America, yet we have not spent one penny to prepare students for these new standards. That is not fair, that is not right and that is not smart.

It is simply not enough to brag about how tough your exam is and how many students will fail. When all our students can pass the exam, that will be the time for Alabama to brag.

We must allocate some of the \$38 million dollars currently targeted to at-risk students for tutorial assistance so those students have a fighting chance at that exam.

And I ask colleges and universities to help me meet this challenge.

On top of all that, we will introduce the most important education legislation in this state's history: the Alabama Education Lottery.

We're going to start by giving our children the head start they deserve with voluntary pre-kindergarten.

We're going to put the world's knowledge at the fingertips of every Alabama child. State-of-the-art computers and advanced technology will expand educational opportunities into every school in this state.

And yes, we'll tear down the financial barriers that have held our children back. We're going to open the doors of college to every high school graduate. You know my plan – every high school student who stays in school, stays out of trouble and makes their grades will be able to go on to college tuition free. That will be Alabama's HOPE College Scholarship Program.

And we will pay for it all – pre-kindergarten, computers, and college scholarships – with the Alabama Education Lottery.

The Naysayers, and yes, there are even some here tonight, say it can't be done.

Well folks, you know it can be done because it is being done right now in the State of Georgia.

More than 360,000 Georgia High School students and their families have benefited from Georgia's HOPE College Scholarship Program.

More than 240,000 Georgia 4-year-olds have gotten their head start with voluntary pre-kindergarten.

And every school in Georgia has a satellite dish outside and state-of-the-art computers inside.

So, don't try to tell us it can't be done.

And there are some who say we don't need a lottery in Alabama.

Folks, let's be honest here for a moment. We already have a lottery in Alabama.

In fact, 18 out of 24 Alabama daily newspapers run the results of the Georgia or Florida lotteries in their newspapers.

Why? Because they know what you and I know: Their readers are buying lottery tickets and they want to know if they have won.

Hundreds of millions of Alabama dollars have left Alabama to buy lottery tickets in Georgia and Florida.

I say it's time for that money to stay here in Alabama to give our children pre-kindergarten, our students computers and our high school graduates college scholarships.

I come here tonight with a message from the people. They demand – demand – the right to vote on an Alabama Education Lottery.

Tomorrow I'll ask the House of Representatives, Mr. Speaker, to act expeditiously on my proposed education lottery amendment.

My amendment is modeled on the successful lottery in Georgia, and it contains every safeguard the people of Alabama want.

The Education Lottery Amendment will create the Alabama Lottery Corporation. It will be run by professional business people – not politicians or their friends.

Every single lottery dollar – 100 percent – will go to education and nowhere else.

The Education Lottery Amendment will fund college scholarships, pre-kindergarten and school technology, in that order.

A special Education Lottery Reserve Fund will be created to ensure complete funding for education programs, rain or shine.

We will not let the politicians get their hands on one penny of this money. Lottery dollars will be in addition to, not in the place of, current education money.

And hear me: There will be no casinos in Alabama.

Now I say: Let the people of Alabama vote.

I'm here to ask you, the members of the House and Senate to join me, because supporting an education lottery is one of the most important things you can do for the families of Alabama.

This question is so critical to the future of Alabama that only the people should have the right to decide.

Let the people vote.

This education question is so important to our future that it should not be decided by 140 members of the legislature. Four million Alabamians should decide.

Let the people vote.

How can anyone or any special interest say the people shouldn't be allowed to vote on this vital education issue? We should trust the common sense and judgment of the people of Alabama.

The people of Alabama will do the right thing. The question tonight is: Will you?

Let the people vote.

While the House is considering the Education Lottery Amendment, I will present my budgets to the state Senate. While the House is focusing on the Education Lottery, I am asking the Senate to focus on the budgets.

This year, Governing Magazine told us what many of us already knew – the state of Alabama has been without management for several years. Our state received the grade of "D" for the management of our tax dollars.

For this budget year, state agencies asked for \$300 million dollars more than exists in the entire General Fund.

This has got to stop. We must start getting our fiscal house in order right now.

What should we do? I'll tell you what we should do. We will manage state tax dollars just like Alabama families manage their money: We will prioritize.

We will put the children of Alabama first. We will insist that our seniors receive the quality care they have earned by keeping all services intact.

And we will make our communities and our homes safer by increasing funding for Alabama's prison system and the Department of Youth Services.

The budgets that I have presented are conservative. They are austere.

And when the proposed Education Lottery and the Budgets are passed, I will ask the House and the Senate to focus on crime bills coming from Attorney General Bill Pryor and myself.

My message to criminals is this: Alabama will show you the same mercy that you showed your victims. None.

We will get tough on domestic violence. We will make domestic violence a crime in Alabama.

Repeat offenders who commit violence against their families will go to jail. And there will be no exceptions.

If you dare to commit violence in front of your children, you will also be charged with cruelty to children.

And we will show no mercy for child sexual predators. We will make chemical castration a condition of probation or parole for adults who rape, sodomize or otherwise sexually assault children 12 years of age or younger.

For repeat adult sexual predators who violently rape or sodomize our children: Hear me. We will give judges and juries the right to sentence you to death.

Juvenile thugs are about to learn a very hard lesson. In my state, juvenile thugs who commit violent adult crimes will do adult time. Hard time.

Finally, we will increase the penalties for adults driving drunk with a young child in the car. The adult has a choice. The child does not.

That is my agenda for this session, and those are my priorities.

But I need your help to achieve it. On November 3rd, the people of Alabama hired you and me. They hired us to do a job. To work together. To represent their interests.

They sent us here to make education our top priority.

They sent us here to make their schools and communities safer.

They sent us here to get their business done.

They did not send us here for petty political fights and partisan bickering. It should make no difference if a good idea comes from Democrats or Republicans.

If it's best for the people of Alabama, then we will do it.

So tonight, I extend my hand to each and every one of you.

Not just for this session, but for the next four years. To work for the common interests we all share.

That is my pledge to you and my pledge to the people of Alabama.

Meet me halfway and we will achieve great things for our great state.

As I said in my inaugural address, we will not live in the gray twilight. We will dare mighty things. It is time for Alabama to believe in itself again.

It is time for all of us to pull together, to work harder, to aim higher than ever before to fight for Alabama's future.

A great future is within our grasp. But we must have the courage and the discipline to reach for it.

Years from now, when a new generation of Alabama leaders takes this stage . . .

Years from now, living in an Alabama that is the educational and economic envy of the South . . .

Years from now a new generation will look back at this moment . . . at this time . . . at you in this chamber and say: You made the critical difference.

Together, with your help and God's blessings we can and we will make Alabama the state it can be.

Thank you. God bless you and God bless the great state of Alabama.

Act No. 99-600

H. 3 – Rep. Fuller

AN ACT

To propose an amendment to Amendment No. 212 to the Constitution of Alabama of 1901 to increase the tax rate on the taxable income of corporations to six and one-half percent on taxable income of corporations for the calendar year 2001 and each year thereafter and to provide for a special election on the proposed amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

“Amendment No. 212

“The legislature shall have power to levy and provide for the collection of taxes for state purposes on net taxable income of corporations, from whatever source derived, for the calendar year 1963, or for any fiscal year beginning in the calendar year 1963, and each year thereafter, at a rate not exceeding five percent. However, the rate shall be six and one-half percent on taxable income of corporations for the calendar year 2001, or for any fiscal year beginning in the calendar year 2001, and each year thereafter. All federal income taxes paid or accrued within the taxable year by corporations shall always be deductible in computing income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the legislature may enact. The increase in the corporate income tax rate to six and one-half percent provided by this amendment shall be self-executing and shall require no enabling legislation.”

Section 2. A special election upon the proposed amendment shall be held on March 21, 2000 in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

“Proposing an amendment to the Constitution of Alabama of 1901, to increase the state corporate income tax rate from the current rate of five percent to a rate of six and one-half percent on taxable income of corporations for calendar year 2001 and each year thereafter. Proposed by Act _____.”

This description shall be followed by the following language: “Yes () No ().”

CONSTITUTIONAL AMENDMENT

Passed the House as amended November 18, 1999

Passed the Senate November 22, 1999

Act No. 99-601

H. 70 – Rep. Laird

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected or appointed public officials in Chambers County may participate in the Employees’ Retirement System in lieu of participating in a supernumerary program or system.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

No elected or appointed Chambers County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Chambers County official may participate in the Employees’ Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Chambers County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees’ Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees’ Retirement System based on the same service. For the purposes of this amendment, the words “elected or appointed Chambers County

official" include, subject only to express limitation, any person elected to represent Chambers County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Chambers County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit.

Section 2. An election upon the proposed amendment shall be held at the next special or general election held following its passage by the Legislature, in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Chambers County, proposing an amendment to the Constitution of Alabama of 1901, to phase out the supernumerary system for certain public officials and allow elected or appointed county officials, as defined, to participate in the Employees' Retirement System.

"Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the House November 19, 1999 as amended

Passed the Senate November 23, 1999

Act No. 99-602

H.J.R. 2 – Rep. Newton (D)

HOUSE JOINT RESOLUTION

INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate to be held at 6:30 p.m. on Monday, November 15, 1999, for the purpose of hearing the message of the Honorable Don Siegelman, Governor of the State of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members from the House, to be named by the Speaker of the House, and three members from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait

upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the State Capitol for the joint session.

Approved November 23, 1999

Time: 3:15 P.M.

Act No. 99-603

H.J.R. 1 – Rep. Newton (D)

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved November 23, 1999

Time: 3:16 P.M.

Act No. 99-604

H.J.R. 4 – Reps. Thomas (D) and Turner

HOUSE JOINT RESOLUTION

COMMENDING JOSH DICKERT AS THE HOLDER OF THE INTERNATIONAL GAME AND FISH ASSOCIATION JUNIOR DIVISION WORLD RECORD.

WHEREAS, heartiest congratulations are hereby extended to Josh Dickert of Springville, Alabama, as the holder of the International Game and Fish Association Junior Division World Record; and

WHEREAS, Josh, the six-year-old son of Joe and Laura Dickert, snared a 31-pound, 12-ounce blue catfish during a fishing trip on the Coosa River with his dad; and

WHEREAS, in a once-in-a-lifetime experience, the 39- pound youngster snagged the catfish and with excitement and determination, netted the fish on the third try; and

WHEREAS, the big catch earned Josh the International Game and Fish Association Junior Division World Record and, overnight, made him a local and national celebrity with guest appearances on numerous radio and television shows; and

WHEREAS, Josh, who will be a first grader at Springville Elementary School this fall, is a sports oriented young man who enjoys fishing and hunting with his dad and three older brothers, Chris, Adam, and Michael, and was an All-Star in T-ball; and

WHEREAS, Josh has brought much pride and joy to himself, as well as to his family, community, and state, and is deserving of highest praise for landing a catfish almost as large as he is; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Josh Dickert is recognized and commended as an enthusiastic sportsman and for his competitive spirit in catching an enormous blue catfish, thus capturing the International Game and Fish Association Junior Division World Record and will be provided a copy of this resolution in sincere tribute and esteem with best wishes for success in all future endeavors.

Approved November 23, 1999

Time: 3:17 P.M.

Act No. 99-605

H.J.R. 5 – Rep. McClurkin

HOUSE JOINT RESOLUTION

DESIGNATING A PORTION OF HIGHWAY 150 BETWEEN HIGHWAY 31 AND SOUTH SHADES CREST ROAD AS THE JOHN HAWKINS PARKWAY.

WHEREAS, State Representative John H. Hawkins has served with honor and distinction in the Alabama Legislature for more than 25 years, while ably representing the residents of Hoover, Alabama, in House District 48; and

WHEREAS, in recognition of the many contributions made to the City of Hoover, Alabama, by Representative Hawkins, the Hoover City Council and Mayor adopted Resolution No. 2160-99 on July 6, 1999, requesting the Legislature of Alabama to adopt a resolution naming the John Hawkins Parkway; and

WHEREAS, Representative Hawkins, who has lived in House District 48 for more than 45 years, has dedicated his life to public service and the betterment of the local community and schools,

especially the public roadway systems in the City of Hoover, and those who have had the tremendous pleasure of knowing him have been enriched by his countless endeavors on their behalf; and

WHEREAS, through his hard work and tireless commitment, Representative Hawkins secured the necessary funding and approval for the roadway improvements in and along Alabama Highway 150 between Alabama Highway 31 and South Shades Crest Road and it is the desire of the people in House District 48, as evidenced by Resolution No. 2160-99, that their appreciation be publicly acknowledged in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a portion of Highway 150 between Highway 31 and South Shades Crest Road is hereby designated the John Hawkins Parkway and it is further resolved that appropriate officials are requested to place and maintain markers designating the John Hawkins Parkway as provided in this resolution.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Representative John Hawkins as a memento of this designation by the Alabama Legislature.

Approved November 23, 1999

Time: 3:18 P.M.

Act No. 99-606

H.J.R. 6 – Rep. Newton (C)

HOUSE JOINT RESOLUTION

COMMENDING ERCIL THOMPSON ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

WHEREAS, it is with highest commendation and esteem that Ercil Thompson is recognized on the occasion of his retirement following longtime dedicated service as president of the Butler County Farmers Federation, an unopposed position which he held from 1978 until his retirement in 1999; and

WHEREAS, born on December 7, 1908, Mr. Thompson, who is respected as one of Alabama's outstanding agricultural leaders, began farming in 1932 and, during 1934, further demonstrated a lifetime of dedicated commitment to the betterment of his community while serving with the federal farm programs; he later retired from farming in 1968; and

WHEREAS, for many years, he provided valuable leadership for the Butler County Board of Education and was a dedicated deacon at both the Forest Home Baptist Church and the First Baptist Church of Greenville, Alabama; and

WHEREAS, highly regarded members of their community, Mr. Thompson is married to his loving wife, Mildred Henderson; he also shared the joys of parenting four children, Vera Alice, Hazel, Claude, and Rebecca, with his late wife, Bertha; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding tenure as president of the Butler County Farmers Federation, highest commendation and heartiest congratulations are hereby extended to Ercil Thompson, for whom a copy of this resolution shall be provided with sincere regards and best wishes for every future happiness and success in retirement.

Approved November 23, 1999

Time: 3:19 P.M.

Act No. 99-607

H.J.R. 7 – Reps. Venable, Laird, Carter,
Holmes, Thomas (J), Turner,
Starkey, Payne, Newton (D),
Sanderford, Hooper, Melton,
Penry, McMillan, Morrison,
McClurkin, Hamilton and
Kennedy

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LOUIS G. GREENE.

WHEREAS, with deepest sorrow, the Legislature of Alabama records the death of Mr. Louis G. Greene of Montgomery, Alabama, on September 17, 1999; and

WHEREAS, Louis Greene served with distinction and dedication as Director of the Legislative Reference Service from 1970 to 1991, and in this two-decade period he played a critical role in the development and improvement of legislative staff operations; accomplishments during his tenure included converting to a computerized system for drafting legislation, establishing a bill status and tracking process, creating and refining acts indices, supplying full-time resolution writers, effectuating governmental processes to implement the Alabama Administrative Procedure Act, and coordinating essential legislative efforts in compiling, revising, and adopting the Code of Alabama 1975; and

WHEREAS, in addition to these administrative achievements, Lou Greene's significant knowledge of legislative functions and procedures, an insider's wisdom amassed over many years, was an invaluable asset to this state; he was an accomplished legal counsel whose vast experience, thoughtful analysis, astute assessments, and creative solutions were frequently requested, appreciatively accepted, and often employed by members of all three branches of government who sought his able advice; and

WHEREAS, a gentleman of distinguished appearance and gracious manner, he was admired by his peers in the legislative community and deeply respected by his devoted staff; indeed, he offered a scholarly viewpoint tempered by common sense reality; constant friendship and a comforting belief that each of us truly was his buddy; a wry wit followed by a robust laugh, an artful blend of moderation and modernization; and a sincere compassion supplemented by a sense of fair play; each a rare gift which we happily recall and sadly miss; and

WHEREAS, at this time of sorrow, we choose to fondly remember Lou Greene as a highly effective legal advisor and public administrator, a civil servant who diligently devoted a large portion of his professional life to the service of the Legislature and the citizens of Alabama, a career each of us was blessed to share and a dear friend we were fortunate to know; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as his death is mourned, thanks are given for the life and service of Louis G. Greene, and, by copy of this resolution, deepest sympathy is extended to his beloved wife, Linda; daughter and son-in-law, Jane and Scott Taylor; and grandchildren Mary and Patrick; to each of whom a copy of this resolution shall be provided expressing both the sincere sorrow and profound gratitude of this legislative body.

Approved November 23, 1999

Time: 3:20 P.M.

Act No. 99-608

H.J.R. 8 – Rep. Venable

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EDWARD DOZIER LANDRUM OF WETUMPKA, ALABAMA.

WHEREAS, herein recorded with deep sorrow and regret is the death of Edward Dozier Landrum of Wetumpka, Alabama, on May 19, 1999, at the age of 64 years; and

WHEREAS, Edward Dozier Landrum was born in Vredenburgh, Alabama, and grew up in Tuscaloosa; he attended the University of Alabama School of Commerce and Business and was a member of the Sigma Alpha Epsilon fraternity; and

WHEREAS, Mr. Landrum moved to Wetumpka in 1953; he was a co-owner of Landrum Chevrolet, Inc., and the owner of Ed Landrum Motor Company; additionally, Mr. Landrum served in the United States Army from 1955 to 1957; and

WHEREAS, Edward Dozier Landrum was an active member of the Wetumpka community, serving from 1972 to 1984 on the Wetumpka City Council where he was Mayor Pro Tem and Finance Chairman, and City of Wetumpka improvements during his tenure include construction of the present City Hall and Library and development of the Wetumpka Municipal Ball Parks; and

WHEREAS, Mr. Landrum served on the Board of Directors of the Alabama League of Municipalities and served on the East Alabama Health Planning Council, the State Highway Planning Commission, and the Coosa-Alabama River Improvement Association, and served as Chairman of the Elmore County Jury Commission; and

WHEREAS, in an extension of service to the community, Mr. Landrum served as the Elmore County Budget Chairman for the Montgomery Area United Way and as President of the University of Alabama Alumni Association of Elmore County, and was a former president of the Wetumpka Rotary Club; and

WHEREAS, a faithful and committed member of Trinity Episcopal Church since 1958, Mr. Landrum served several terms on the vestry, as Senior Warden, as a lay reader, and as Chairman of the Finance Committee; and

WHEREAS, a beloved member of his community, Mr. Landrum was a caring person whose concern for his family, friends, and community was reflected daily through his many endeavors on their behalf; and

WHEREAS, left to cherish the memory of Edward Dozier Landrum are his wife, Harriet Jenkins Landrum; his mother, Floi Dozier Landrum; daughters and sons-in-law, Dr. Elizabeth Landrum Michalets and Dr. James Patrick Michalets, and Slater Landrum Rowlett and James Benjamin Rowlett; granddaughter, Sarah Elizabeth Michalets; and a brother, William Judson Landrum, Jr.; Mr. Landrum was preceded in death by his father, William Judson Landrum, Sr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That deeply saddened by the death of Edward Dozier Landrum, heartfelt sympathy is extended to his family and friends, and it is directed that a copy of this resolution of sincere condolence be provided.

Approved November 23, 1999

Time: 3:21 P.M.

Act No. 99-609

H.J.R. 9 – Rep. Venable

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROGER MCEWEN OF HANOVER, ALABAMA.

WHEREAS, herein recorded with deep sorrow and regret is the untimely death of Roger McEwen of Hanover, Alabama, who lost his life on July 4, 1999, at the age of only 52 years, while performing his duties as a volunteer firefighter; and

WHEREAS, Roger McEwen was a charter member of the Hanover Volunteer Fire Department and actively served as a firefighter for 10 years; at the time of his death, his rank in the department was Captain and Mechanics Officer; and

WHEREAS, a native of Sylacauga and a resident of Hanover for 11 years, Roger McEwen was employed by Avondale Mills Trucking Department in Sylacauga for almost 28 years; additionally, he was a member of the Coosa County Cattleman's Association for 15 years and served on the Board of Directors for the past five years; and

WHEREAS, Roger McEwen, a man of courage and compassion, died in the line of duty while helping people in time of need, and his death has indeed left a deep void in the life of his community, as well as in the hearts of all those who knew and loved him; and

WHEREAS, left to cherish the memory of Roger McEwen are his beloved wife, Marie McEwen; son, Roger (Pokey) McEwen, Jr.; mother, Vonceil McEwen; sister, Johnnie Faye Johnson; and three grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Roger McEwen and heartfelt sympathy is extended to his family and friends, and it is directed that a copy of this resolution of sincere condolence be provided.

Approved November 23, 1999

Time: 3:22 P.M.

Act No. 99-610

H.J.R. 10 – Reps. Hilliard, Newton (D),
Parker (W), Major,
Rogers (J), Houston and
Dunn

HOUSE JOINT RESOLUTION

DESIGNATING THE HEALTH PROFESSIONS BUILDING
AT LAWSON STATE COMMUNITY COLLEGE AS THE DR.
ETHEL H. HALL HEALTH PROFESSIONS BUILDING.

WHEREAS, a new two-story Health Professions Building has been constructed at Lawson State Community College in Birmingham, Alabama, for use by the Registered Nurse Program and other health related programs offered by the college; and

WHEREAS, it is befitting that the impressive new facility bear the name of an equally impressive individual as an enduring and lasting tribute; and

WHEREAS, Dr. Ethel H. Hall has amassed numerous honors and awards for outstanding leadership and service to the health profession and community, including, but not limited to, her selection as Lay Leader of the Year by the Alabama Health Educator's Association and the Alabama Council of Administrators of Special Education, selection as one of the 1999 top women in Birmingham by the Birmingham Business Journal, and selection for the Peggy Spain McDonald Award for Outstanding and Continuing Service and Support for Community Education in the Greater Birmingham Area; and

WHEREAS, initially elected to the Alabama State Board of Education in 1986, Dr. Hall presently serves as Vice President of that board, as an elected member of the Board of Directors of the National Association of State Boards of Education, as a member of the American Association of Community College Trustees, and as a member of the Board of Directors of the Birmingham Civil Rights Institute and the Advisory Board of the Women's Exchange; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the newly constructed Health Professions Building at Lawson State Community College is designated as the Dr. Ethel H. Hall Health Professions Building.

Approved November 23, 1999

Time: 3:23 P.M.

Act No. 99-611

H.J.R. 11 – Rep. Parker (W)

HOUSE JOINT RESOLUTION

RENAMING THAT PORTION OF US 79 FROM THE INTERSECTION OF 10TH AVENUE AND 40TH STREET NORTH AND ENDING AT THE CITY OF TARRANT, THE ALDRICH GUNN, JR., HIGHWAY.

WHEREAS, in recognition of the many contributions made to the citizens of the northern Birmingham community, it is appropriate to honor Mr. Aldrich Gunn, Jr., in a permanent and public manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of US 79 from the intersection of 10th Avenue and 40th Street North and ending at the City of Tarrant, be renamed the Aldrich Gunn, Jr., Highway.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the proper officials requesting that appropriate signs be erected and maintained to reflect the renaming of this highway.

Approved November 23, 1999

Time: 3:24 P.M.

Act No. 99-612

H.J.R. 12 – Rep. Parker (W)

HOUSE JOINT RESOLUTION

RENAMING THAT PORTION OF US 31 BEGINNING AT THE CITY OF FULTONDALE AND ENDING AT THE CITY OF GARDENDALE, THE AMERICAN VETERANS HIGHWAY.

WHEREAS, in recognition of the countless contributions made by United States Veterans to our great nation, it is appropriate to honor those individuals in a permanent and public manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of US 31 beginning at the City of Fultondale and ending at the City of Gardendale, is designated the American Veterans Highway.

BE IT FURTHER RESOLVED, That appropriate officials are requested to place and maintain markers to reflect the renaming of this portion of US 31.

Approved November 23, 1999

Time: 3:25 P.M.

Act No. 99-613

H.J.R. 13 – Rep. Dolbare

HOUSE JOINT RESOLUTION

DESIGNATING THE BRIDGE OVER PINE BARREN CREEK ON HIGHWAY 45 NEAR VINEGAR BEND, ALABAMA, THE DONALD R. STALLWORTH, SR., BRIDGE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge over Pine Barren Creek on Highway 45 near Vinegar Bend, Alabama, is designated the Donald R. Stallworth, Sr., Bridge.

BE IT FURTHER RESOLVED, That appropriate officials are requested to place and maintain markers designating the Donald R. Stallworth, Sr., Bridge.

Approved November 23, 1999

Time: 3:26 P.M.

Act No. 99-614

H.J.R. 14 – Rep. Hawk

HOUSE JOINT RESOLUTION

MAINTAINING AND FORMALLY DECLARING THE NAME OF BRINDLEE MOUNTAIN NEAR ARAB, ALABAMA.

WHEREAS, the residents and businesses of Brindlee Mountain have used the current spelling to describe the area since the 1930s; and

WHEREAS, although there is some concern as to the correct historical spelling of the area, more than 70 business use the spelling “Brindlee” on their signs, business letterheads, cards, and forms; and

WHEREAS, in addition there are issues of emergency 911 addresses related to the currently-accepted form of spelling Brindlee Mountain; and

WHEREAS, it is in the best interests of the citizens and businesses of the area to avoid confusion and end the controversy by officially maintaining the designation of the spelling of Brindlee Mountain according to the accepted spelling of the past 70 years; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby formally maintain the designation of the mountain area near Arab, Alabama as “Brindlee Mountain”, in conformity to its current spelling, and that we urge appropriate state and local officials to maintain the designation herein adopted.

Approved November 23, 1999

Time: 3:27 P.M.

Act No. 99-615

H.J.R. 16 – Rep. Carter

HOUSE JOINT RESOLUTION

COMMENDING DR. ROBERT PITMAN AS THE 1999 VETERINARIAN OF THE YEAR.

WHEREAS, in a desire to acknowledge and commend Alabamians of achievement, it is with great pleasure that Dr. Robert Pitman of Athens, Alabama, is recognized as the recipient of the 1999 Veterinarian of the Year Award; and

WHEREAS, Dr. Pitman received this notable honor from the Alabama Veterinarians Medical Association and he is the only north Alabama veterinarian to be honored since the award was first presented 20 years ago; and

WHEREAS, a very respected and dedicated member of his profession, Dr. Pitman has been in practice in Athens for 24 years and his office is one of only 28 in the state that is a member of the American Animal Hospital Association; and

WHEREAS, Dr. Pitman upholds the highest ideals of professionalism and his work and contributions to veterinary medicine have benefited the health and well-being of countless animals, and as a result of his efforts, he has earned the admiration and respect of those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Robert Pitman is commended for his outstanding service to veterinary medicine and is congratulated as the recipient of the 1999 Veterinarian of the Year Award, and it is directed that he receive a copy of this resolution as an expression of sincere praise and tribute.

Approved November 23, 1999

Time: 3:28 P.M.

Act No. 99-616

H.J.R. 20 – Rep. Hayden

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIE ANN JONES BROWN.

WHEREAS, noted with deep and profound sorrow is the death of Willie Ann Jones Brown, or "Tee" as she was affectionately

known, a good and gentle lady who stood as a testament for others who strive for the best in personal, professional, public, and community life; and

WHEREAS, the third child born to the late Reverend and Mrs. Ed Jones in Marengo County, on February 14, 1914, Mrs. Brown was educated in the Perry County Public School Systems and received a Bachelor of Science Degree in Education from Alabama State University, Montgomery, Alabama; and

WHEREAS, Mrs. Brown, who was a teacher in the Marengo County School System for more than 40 years, confessed Christ at an early age and was a devout Christian in persuasion and deed in various Christian activities at St. Paul A. M. E. Church serving as a Stewardess, Trustee, and President of both the Missionary Society and Pastor's Aid; and

WHEREAS, additionally, she was active in numerous civic organizations, including the Red Cross, Alabama Democratic Conference, Board of Registrars, and as a respected Notary Public at Large; and

WHEREAS, left to cherish the memories of Willie Ann Jones Brown are a loving daughters, Louise O. Jones; an adopted son, John Henry Jones-Brown; two brothers and sisters-in-law, Solomon L. and Bettye Jones and Willie Jeffice and Ora Jones; sister, Beatrice Jones; aunts, Fannie L. Moore, Mattie K. Bimbo, and Elsie White; three very special people she loved as her own children, Mamie Reed, Celya M. Jones, and Henry Cabil; and an extended caring family, Ethel Cade and family; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we bow in submission to the will of God, we give thanks for the life of Willie Ann Jones Brown, whose memory will live forever in the hearts and minds of all those whose lives she touched, and do further direct that a copy of this resolution be provided to her family with our sincere condolence.

Approved November 23, 1999

Time: 3:29 P.M.

Act No. 99-617

H.J.R. 24 – Reps. Thomas (D), Allen, Baker, Bandy, Beasley, Beason, Black (L), Black (M), Boothe, Boyd, Buskey, Carns, Carothers, Carter, Clark, Clouse, Crigler, Curry, Dean,

Dolbare, Dukes, Dunn, Ford,
 Ford (J), Fuller, Gaines,
 Galliher, Gaston, Gipson,
 Graham, Grantland, Greene,
 Greeson, Guin, Hall (A),
 Hall (L), Hamilton, Hammett,
 Haney, Hawk, Hawkins,
 Hayden, Hill, Hilliard, Hogan,
 Holmes, Hooper, Houston,
 Hubbard, Humphries, Hurst,
 Jackson, Johnson, Jones,
 Kennedy, Knight, Laird,
 Layson, Letson, Lindsey, Major,
 Mancuso, Martin, Maui,
 McClammy, McClurkin,
 McDaniel, McKee, McMillan,
 Melton, Millican, Mitchell,
 Morrison, Morrow, Morton,
 Newton (C), Newton (D), Oden,
 Page, Parker (T), Parker (W),
 Payne, Penry, Perdue, Pringle,
 Robinson (J), Robinson (O),
 Rogers (J), Rogers (M),
 Sanderford, Sanderson,
 Schmitz, Seibenhener, Spicer,
 Starkey, Thigpen, Thomas (E),
 Thomas (J), Turner, Vance,
 Venable, Warren, White, Willis
 and Wren

HOUSE JOINT RESOLUTION

**COMMENDING JOSH DICKERT AS THE HOLDER OF THE
 INTERNATIONAL GAME AND FISH ASSOCIATION JUNIOR
 DIVISION WORLD RECORD.**

WHEREAS, heartiest congratulations are hereby extended to Josh Dickert of Springville, Alabama, as the holder of the International Game and Fish Association Junior Division World Record; and

WHEREAS, Josh, the six-year-old son of Joe and Laura Dickert, snared a 31-pound, 12-ounce blue catfish during a fishing trip on the Coosa River with his dad; and

WHEREAS, in a once-in-a-lifetime experience, the 39-pound youngster snagged the catfish and with excitement and determination, netted the fish on the third try; and

WHEREAS, the big catch earned Josh the International Game and Fish Association Junior Division World Record and, overnight,

made him a local and national celebrity with guest appearances on numerous radio and television shows; and

WHEREAS, Josh, who will be a first grader at Springville Elementary School this fall, is a sports oriented young man who enjoys fishing and hunting with his dad and three older brothers, Chris, Adam, and Michael, and was an All-Star in T-ball; and

WHEREAS, Josh has brought much pride and joy to himself, as well as to his family, community, and state, and is deserving of highest praise for landing a catfish almost as large as he is; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Josh Dickert is recognized and commended as an enthusiastic sportsman and for his competitive spirit in catching an enormous blue catfish, thus capturing the International Game and Fish Association Junior Division World Record and will be provided a copy of this resolution in sincere tribute and esteem with best wishes for success in all future endeavors.

Approved November 23, 1999

Time: 3:30 P.M.

Act No. 99-618

H.J.R. 26 – Rep. McClurkin

HOUSE JOINT RESOLUTION

DESIGNATING HIGHWAY 119 THROUGH SHELBY COUNTY AS THE “ERWIN, LAWLEY, AND MCLAUGHLIN MEDAL OF HONOR HIGHWAY” IN HONOR OF MASTER SERGEANT HENRY ERWIN, THE LATE COLONEL WILLIAM R. LAWLEY, JR., AND THE LATE STAFF SERGEANT ALFORD LEE MCLAUGHLIN.

WHEREAS, the Alabama Legislature notes with deep gratitude the invaluable contributions of Master Sergeant Henry Erwin, the late Colonel William R. Lawley, Jr., and the late Staff Sergeant Alford Lee McLaughlin, who were the recipients of the prestigious Medal of Honor, the highest military award given in this country by the President of the United States for a supreme act of bravery beyond the call of duty; and

WHEREAS, Master Sergeant Henry “Red” Erwin was in a lead bombing raid in Koriyama, Japan, on April 12, 1945, when he assumed responsibility of the B-52 bomber and the safety of his fellow crew by tossing out a burning grenade; Henry Erwin lives in Leeds, Alabama, with his loving wife, Betty; and

WHEREAS, the late Colonel William R. Lawley, Jr., United States Air Force, received his commission and wings at Perrin Field near Dennison, Texas, where he met and married his devoted wife, and our friend and colleague, the former Amelia Dodd; Colonel Lawley sustained serious injury during one of the largest bombing raids during World War II, when, due to his valiant efforts, he was able to stabilize a badly damaged bomber that was diving out of control and return the severely wounded members of his crew back to base; and

WHEREAS, the late Staff Sergeant Alford Lee McLaughlin, who was married to his supportive wife, Kathryn, was a United States Marine Private First Class serving in Korea when, painfully wounded, he used his exemplary foresight to set up a plan of defense to save his outpost in advance of the main line of resistance during September 4-5, 1952; for his bravery, Staff Sergeant McLaughlin also was the recipient of the Purple Heart with one Gold Star, the Order of Military Merit, and the Wharang with Gold Star presented by the South Korean government, its highest honor; and

WHEREAS, it is appropriate to honor Master Sergeant Henry Erwin, the late Colonel William R. Lawley, Jr., and the late Staff Sergeant Alford Lee McLaughlin in a permanent and formal manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Highway 119 through Shelby County shall be known as the "Erwin, Lawley, and McLaughlin Medal of Honor Highway" in honor of Master Sergeant Henry Erwin, the late Colonel William R. Lawley, Jr., and the late Staff Sergeant Alford Lee McLaughlin.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said "Erwin, Lawley, and McLaughlin Medal of Honor Highway" and it is further directed that a copy of this resolution be presented to Henry Erwin, Mrs. Alford Lee McLaughlin, and Mrs. William R. Lawley as a memento of this honorary designation by the Alabama Legislature.

Approved November 23, 1999

Time: 3:31 P.M.

Act No. 99-619

H.J.R. 27 – Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING MARIE KOSTICK FOR DISTINGUISHED
ACHIEVEMENT AND SERVICE.

WHEREAS, it is appropriate that public recognition and highest commendation be extended to Marie Kostick, principal at Goodwyn Junior High School in Montgomery, Alabama; and

WHEREAS, Marie Kostick served successively as a language instructor at Cashman Junior High School in Nevada; as a language instructor at Carver High School in Montgomery; and as a language instructor and administrative assistant at Robert E. Lee High School in Montgomery prior to her appointment as principal at Goodwyn Junior High School in 1998; and

WHEREAS, over her brief but successful tenure as principal at Goodwyn Junior High School, Marie Kostick has established herself as a worthy role model for all educational professionals and greatly impacted the education and lives of countless young students under her charge; and

WHEREAS, among numerous achievements, she has created a fair, well-disciplined learning environment; encouraged active parental involvement in all aspects of school operation; promoted professional development and leadership among faculty and staff; and endeavored to bring needed resources and more technology into the classroom to improve student performance and teacher effectiveness; and

WHEREAS, she has not only made significant contributions at Goodwyn, but also throughout the Montgomery Public School System, serving on the Montgomery Public School's Secondary Foreign Language Textbook Committee and Substitute Employee Management System Committee; and

WHEREAS, in addition to professional responsibilities, she is an active participant in many religious and civic efforts, including the Salvation Army Food Share Program, Boy Scouts of America, the student exchange program, and the Col. Bigg's Water Ski Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and service to Goodwyn Junior High School and the education of our youth, we hereby most highly commend Marie Kostick, for whom a copy of this resolution shall be provided as an expression of our sincere regard and esteem.

Approved November 23, 1999

Time: 3:32 P.M.

Carns, Carothers, Carter,
 Clark, Clouse, Crigler,
 Curry, Dean, Dolbare,
 Dukes, Dunn, Ford,
 Ford (J), Fuller, Gaines,
 Galliher, Gaston, Gipson,
 Graham, Grantland,
 Greene, Greeson, Guin,
 Hall (A), Hall (L),
 Hamilton, Hammett,
 Haney, Hawk, Hawkins,
 Hayden, Hill, Hilliard,
 Hogan, Holmes, Houston,
 Hubbard, Humphries,
 Hurst, Jackson, Johnson,
 Jones, Kennedy, Knight,
 Laird, Layson, Letson,
 Lindsey, Major, Mancuso,
 Martin, Maull, McClammy,
 McClurkin, McDaniel,
 McKee, McMillan, Melton,
 Millican, Mitchell,
 Morrison, Morrow, Morton,
 Newton (C), Newton (D),
 Oden, Page, Parker (T),
 Parker (W), Payne, Penry,
 Perdue, Pringle,
 Robinson (J), Robinson (O),
 Rogers (J), Rogers (M),
 Sanderford, Sanderson,
 Schmitz, Seibenhener,
 Spicer, Starkey, Thigpen,
 Thomas (D), Thomas (E),
 Thomas (J), Turner, Vance,
 Venable, Warren, White,
 Willis and Wren

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF ROBERT FRALEY OF ORLANDO, FLORIDA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the tragic and untimely death of Robert Fraley, of Orlando, Florida, on October 25, 1999; and

WHEREAS, born in Winchester, Tennessee, on February 3, 1953, Mr. Fraley was a graduate of Franklin County High School;

earned a Bachelor of Science Degree at the University of Alabama in Tuscaloosa, followed by a law degree from the University of Alabama School of Law; and earned a Master's Degree in Taxation from the University of Florida Law School in Gainesville; and

WHEREAS, Mr. Fraley, who was affectionately known as the "Winchester Rifle," played intercollegiate football under the legendary Paul "Bear" Bryant, where he was a member of the Southeastern Conference Academic All-SEC Football Team, and a quarterback on the 1973 team that finished 11-0 and played for a national championship; he also was a recipient of the Charlie Compton Award, presented to the senior athlete at the University of Alabama who demonstrates outstanding Christian character and leadership; and

WHEREAS, he began his legal career in Nashville, Tennessee, and later joined Holland and Knight in Lakeland, Florida; Mr. Fraley was the founder and chairman of the successful Leader Enterprises, an Orlando, Florida, sports management and marketing company, which specializes in representing some of the top names in professional sports; and

WHEREAS, the grievous death of Robert Fraley of Orlando, Florida, has indeed left a deep void in the heart of his loving wife, Dixie Johnston Fraley, formerly of Auburn, Alabama; his father, Charles Fraley; and countless other individuals, who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express regret at the tragic death of Robert Fraley, and extend heartfelt sympathy to his bereaved wife, Dixie, for whom a copy of this resolution of sincere condolence shall be provided.

Approved November 23, 1999

Time: 3:33 P.M.

Act No. 99-621

H.J.R. 31 – Rep. Boothe

HOUSE JOINT RESOLUTION

HONORING THE LIFE OF RALPH NEAL RAILEY OF TROY, ALABAMA.

WHEREAS, Ralph Neal Railey, who died on October 24, 1999, is honored posthumously by the Alabama Nursing Home Association for his leadership and endeavors as a long-time member of the Executive Board of the Alabama Nursing Home Association, where he ably represented Region VIII; and

WHEREAS, a veteran, who served his country with honor and patriotism during the Korean War, Mr. Railey was the beloved administrator of Pike Manor in Troy, Alabama, for more than 26 years, whose vision was to improve life for the residents entrusted in his care and the employees he managed; and

WHEREAS, earning the nickname "Bulldog" as a 157-pound football player at Troy State University, Mr. Railey later served with enthusiasm as a coach in a variety of sporting activities in the Troy Community; and

WHEREAS, his quiet leadership and assistance to his friends and neighbors demonstrated his commitment to the principles of religious teachings, which he learned as a devoted deacon of Hephzibah Baptist Church; and

WHEREAS, Mr. Railey leaves behind fond memories for his wife of 42 years, the former Rebecca Townsend; four children, Dawn Railey, Jeff Railey, Melanie Railey Pearce, and Chuck Railey; and five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we give thanks unto God for the life of Ralph Neal Railey and, by copy of this resolution to his wife, Rebecca, recognize his outstanding service to the Alabama Nursing Home Association and his fellowman, and for his illustrious record of personal, professional, public, and civic achievements.

Approved November 23, 1999

Time: 3:34 P.M.

Act No. 99-622

H.J.R. 32 – Reps. Carns, Payne, Hawkins, Page, Allen, Baker, Bandy, Beasley, Beason, Black (L), Black (M), Boothe, Boyd, Buskey, Carothers, Carter, Clark, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Dunn, Ford, Ford (J), Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Grantland, Greene, Greeson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper,

Houston, Hubbard,
 Humphries, Hurst, Jackson,
 Johnson, Jones, Kennedy,
 Knight, Laird, Layson,
 Letson, Lindsey, Major,
 Mancuso, Martin, Maull,
 McClammy, McClurkin,
 McDaniel, McKee, McMillan,
 Melton, Millican, Mitchell,
 Morrison, Morrow, Morton,
 Newton (C), Newton (D),
 Oden, Parker (T), Parker (W),
 Penry, Perdue, Pringle,
 Robinson (J), Robinson (O),
 Rogers (J), Rogers (M),
 Sanderford, Sanderson,
 Schmitz, Seibenhener, Spicer,
 Starkey, Thigpen,
 Thomas (D), Thomas (E),
 Thomas (J), Turner, Vance,
 Venable, Warren, White,
 Willis and Wren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF TED BRYANT.

WHEREAS, herein recorded with deep sorrow and regret is the death of our friend, Ted Bryant, on June 24, 1999, at the age of only 59, after writing about politics in Alabama with vigor, honesty, and passion for close to 40 years, almost exclusively with the Birmingham Post-Herald; and

WHEREAS, Ted Bryant was born on July 17, 1939, in Geneva County, Alabama, the son of Will and Lola Bryant, and he grew up on tenant farms in Geneva and Houston Counties; although Ted did complete high school and some classes at the University of Alabama and Samford University, he never took a class in journalism; and

WHEREAS, politicians, journalists, and faithful readers have expressed sorrow at the loss of a reporter and political columnist whose friendly personality belied the seriousness with which he sought to identify the interests that blocked progress here in his beloved home state; and

WHEREAS, Ted Bryant never failed to be guided by his concern for the common people whose voices were seldom heard in Montgomery, and as former State Senator Mac Parsons said, "Ted

was a champion for the little man; his column was the place that the coal miners, the textile workers, and the employees in a chicken processing plant got his or her say..."; and

WHEREAS, as a reporter, Ted also cared deeply about being first and being complete, just as he cared deeply about Alabama becoming a better governed state and, as a columnist, he expressed his opinions in a separate way from his carefully objective writing as a seasoned reporter; as former journalist Skip Tucker said, "He was a Renaissance man, that rare breed of poet warrior whose written words sing like songs and paint pictures for posterity"; and

WHEREAS, legislators and other state political leaders, history professors, and readers of his columns will miss reading the book that Ted wanted to write, and we will all miss the depth of his knowledge, the strength of his good heart, and the breadth of his good humor and fairness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death of Ted Bryant and, by copies of this resolution to his family, extend heartfelt sympathy to all those who knew and loved him.

Approved November 23, 1999

Time: 3:35 P.M.

Act No. 99-623

H.J.R. 33 – Rep. Humphries

HOUSE JOINT RESOLUTION

REQUESTING THE GOVERNOR TO DESIGNATE A
POLY-CYSTIC KIDNEY DISEASE AWARENESS DAY.

WHEREAS, poly-cystic kidney disease is a fairly common disease of the kidney which affects many Alabamians, by some estimates as many as one in every 1,000 persons; and

WHEREAS, the disease causes patients to experience low back pain, urinary tract infections, kidney stones, and in its advanced state, kidney failure; and

WHEREAS, a child of a patient suffering from poly-cystic kidney disease has a 50-50 chance of inheriting the gene which causes the disease; and

WHEREAS, although there is currently no treatment for the disease, there needs to be public awareness of the disease in adults

of child-bearing age, since it is an inherited disease, and since science may someday soon gain more knowledge of the disease and how to prevent it or lessen the damage it inflicts upon its victims; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Governor, by a copy of this resolution, to bring greater public awareness of poly-cystic kidney disease by designating a Poly-Cystic Kidney Disease Awareness Day in Alabama.

Approved November 23, 1999

Time: 3:36 P.M.

Act No. 99-624

S.J.R. 2 – Senator Waggoner

SENATE JOINT RESOLUTION

DESIGNATING A PORTION OF HIGHWAY 150 BETWEEN HIGHWAY 31 AND SOUTH SHADES CREST ROAD AS THE JOHN HAWKINS PARKWAY.

WHEREAS, State Representative John H. Hawkins has served with honor and distinction in the Alabama Legislature for more than 25 years, while ably representing the residents of Hoover, Alabama, in House District 48; and

WHEREAS, in recognition of the many contributions made to the City of Hoover, Alabama, by Representative Hawkins, the Hoover City Council and Mayor adopted Resolution No. 2160-99 on July 6, 1999, requesting the Legislature of Alabama to adopt a resolution naming the John Hawkins Parkway; and

WHEREAS, Representative Hawkins, who has lived in House District 48 for more than 45 years, has dedicated his life to public service and the betterment of the local community and schools, especially the public roadway systems in the City of Hoover, and those who have had the tremendous pleasure of knowing him have been enriched by his countless endeavors on their behalf; and

WHEREAS, through his hard work and tireless commitment, Representative Hawkins secured the necessary funding and approval for the roadway improvements in and along Alabama Highway 150 between Alabama Highway 31 and South Shades Crest Road and it is the desire of the people in House District 48, as evidenced by Resolution No. 2160-99, that their appreciation be publicly acknowledged in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a portion of Highway 150 between Highway 31 and South Shades Crest Road is hereby designated the John Hawkins Parkway and it is further resolved that appropriate officials are requested to place and maintain markers designating the John Hawkins Parkway as provided in this resolution.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Representative John Hawkins as a memento of this designation by the Alabama Legislature.

Approved November 23, 1999

Time: 3:37 P.M.

Act No. 99-625

S.J.R. 3 – Senators Little (T), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF LOUIS G. GREENE.

WHEREAS, with deepest sorrow, the Legislature of Alabama records the death of Mr. Louis G. Greene of Montgomery, Alabama, on September 17, 1999; and

WHEREAS, Louis Greene served with distinction and dedication as Director of the Legislative Reference Service from 1970 to 1991, and in this two-decade period he played a critical role in the development and improvement of legislative staff operations; accomplishments during his tenure included converting to a computerized system for drafting legislation, establishing a bill status and tracking process, creating and refining acts indices, supplying full-time resolution writers, effectuating governmental processes to implement the Alabama Administrative Procedure Act, and coordinating essential legislative efforts in compiling, revising, and adopting the Code of Alabama 1975; and

WHEREAS, in addition to these administrative achievements, Lou Greene's significant knowledge of legislative functions and procedures, an insider's wisdom amassed over many years, was an invaluable asset to this state; he was an accomplished legal counsel whose vast experience, thoughtful analysis, astute assessments, and creative solutions were frequently requested, appreciatively accepted, and often employed by members of all three branches of government who sought his able advice; and

WHEREAS, a gentleman of distinguished appearance and gracious manner, he was admired by his peers in the legislative community and deeply respected by his devoted staff; indeed, he offered a scholarly viewpoint tempered by common sense reality; constant friendship and a comforting belief that each of us truly was his buddy; a wry wit followed by a robust laugh; an artful blend of moderation and modernization; and a sincere compassion supplemented by a sense of fair play; each a rare gift which we happily recall and sadly miss; and

WHEREAS, at this time of sorrow, we choose to fondly remember Lou Greene as a highly effective legal advisor and public administrator, a civil servant who diligently devoted a large portion of his professional life to the service of the Legislature and the citizens of Alabama, a career each of us was blessed to share and a dear friend we were fortunate to know; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as his death is mourned, thanks are given for the life and service of Louis G. Greene, and, by copy of this resolution, deepest sympathy is extended to his beloved wife, Linda; daughter and son-in-law, Jane and Scott Taylor; and grandchildren Mary and Patrick; to each of whom a copy of this resolution shall be provided expressing both the sincere sorrow and profound gratitude of this legislative body.

Approved November 23, 1999

Time: 3:37 P.M.

Act No. 99-626

S.J.R. 6 – Senator Mitchell

SENATE JOINT RESOLUTION

DESIGNATING FEBRUARY 9, 2000, AS MEDIATION DAY IN ALABAMA.

WHEREAS, the process of mediation, an informal method of alternative dispute resolution, helps parties in conflict find an

agreeable solution outside the judicial process through the efforts of a neutral third person mediator; and

WHEREAS, mediation offers a great service to the judicial branch of government by allowing parties in conflict to voluntarily reach an agreement and reduce the litigation case load of the court systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the valuable contributions made to our society by the mediation process, we hereby designate February 9, 2000, as Mediation Day in Alabama.

Approved November 23, 1999

Time: 3:39 P.M.

Act No. 99-627

S.J.R. 7 – Senator Callahan

SENATE JOINT RESOLUTION

COMMENDING NEIL F. LIVINGSTON AS THE 1999 MOBILE BAY AREA VETERAN OF THE YEAR.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes Neil F. Livingston of Mobile, Alabama, who, at the age of 73 years, is the 1999 Mobile Bay Area Veteran of the Year; and

WHEREAS, Mr. Livingston, a veteran of World War II and the Korean War, garnered numerous medals and awards in recognition of his military accomplishments, including the Purple Heart, the Combat Infantry Badge, the Bronze Star with Combat "V" Device for valor, and the Korean Service Medal with five Bronze Stars; he also was the recipient of the Master Parachutist Badge and the Glider Badge; and

WHEREAS, he held the rank of staff sergeant after serving his country with honor for 11 years in the United States Army and later obtained the rank of command sergeant major of the 3rd Brigade of the Alabama Defense Force, which assists when disasters strike the state; and

WHEREAS, a member of numerous veterans organizations, Mr. Livingston also was instrumental in securing the national Korean War Veterans Association Convention in Mobile, which includes parades, bands, and visiting dignitaries; and

WHEREAS, Mr. Livingston's extraordinary competence, initiative, and his constant devotion to duty have indeed earned him the respect and admiration of the military and his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to an outstanding American patriot, and an Alabamian of whom we are justly proud, we hereby most highly commend Neil F. Livingston of Mobile, Alabama, as the 1999 Mobile Bay Area Veteran of the Year, and, it is further directed, that he receive a copy of this resolution of sincere regard and esteem.

Approved November 23, 1999

Time: 3:40 P.M.

Act No. 99-628

H. 24 – Reps. Clouse, Boothe and Baker
AN ACT

Relating to Dale County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Dale County shall be entitled to receive an additional expense allowance in the amount of seven thousand five hundred dollars (\$7,500) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the Sheriff of Dale County shall be increased by seven thousand five hundred dollars (\$7,500), payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 24, 1999

Time: 8:51 A.M.

Act No. 99-629

S. 22 – Senator Means

AN ACT

To increase the limit on annual leave which certain personnel in state departments and agencies may carry over into the years beginning on January 1, 2000, January 1, 2001, and January 1, 2002, under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Notwithstanding any other laws, the carry over limit on annual leave for personnel in state departments and agencies who are assigned to work on year 2000 (Y2K) problems and projects may be increased from 480 to not more than 714 hours of annual leave for the years beginning on January 1, 2000, January 1, 2001, and January 1, 2002, upon request by the appointing authority to the Director of Finance for his or her approval of an increase in the limit.

(b) When the Director of Finance approves an increased limit on annual leave for such an employee pursuant to subsection (a), the employee shall earn the additional annual leave in excess of 480 hours in accordance with the schedule for accumulation of annual leave prescribed in subsection (a) of Section 36-26-35, Code of Alabama 1975.

(c) On December 31, 2002, the carry over limit of 480 hours of annual leave shall again be applicable to any state employee who was excepted from the limit for a certain time under the foregoing provisions of this section.

(d) No employee carrying over more than 480 hours of annual leave under this act shall be compensated for more than 480 hours of accumulated annual leave upon his or her retirement, resignation, or termination.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved November 24, 1999

Time: 8:42 A.M.

Act No. 99-630

S. 25 – Senator Bedford

AN ACT

To make a supplemental General Fund appropriation in the amount of \$9,345,305 to various state agencies for the fiscal year ending September 30, 2000; to make a conditional supplemental appropriation to the Department of Mental Health and Mental Retardation from the Special Mental Health Trust Fund in the amount of \$2,200,000 for the fiscal year ending September 30, 2000; to make a conditional supplemental appropriation to the Department of Mental Health and Mental Retardation from the State General Fund, conditioned upon the availability of funds in the State General Fund and the approval of the Governor and may not be released in any portion until all first level conditional appropriations are released; to make a conditional supplemental appropriation to the Department of Corrections from the State General Fund conditioned upon the availability of funds in the State General Fund and the approval of the Governor and may not be

released in any portion until all first level conditional appropriations are released; to amend appropriation language of Section 2C 73 of Act No. 99-441 relating to the Department of Public Health; to make a supplemental appropriation to the Office of Prosecution Services from the Office of Prosecution Services Fund in the amount of \$800,000 for the fiscal year ending September 30, 2000; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the following agencies the following amounts from the State General Fund for the fiscal year ending September 30, 2000:

Department of Mental Health and Mental Retardation.....	3,000,000
Departmental Emergency Fund	718,813
Department of Veterans' Affairs.....	350,000
The above appropriation to the Department of Veterans' Affairs shall be used for patient security systems at the State Veterans' Affairs Nursing Homes.	
Administrative Office of Courts....	115,000
Alabama Law Institute	40,992
Department of Public Health.	240,000
Alabama Agricultural and Conservation Development Commission.....	300,000
Commission on Aging for Meals on Wheels Program.....	500,000
Alabama Department of Economic and Community Affairs (Of this amount \$150,000 shall be allocated to the Ft. McClellan Development Joint Powers Authority.).....	900,000
Examiners of Public Accounts...	500,000
Department of Agriculture and Industries.....	300,000

Department of Public Safety..	200,000
Department of Corrections	1,000,000
Department of Children's Affairs.....	255,500
Child Abuse and Neglect Prevention Board.....	875,000
Governor's Office on Dis- ability	50,000

Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated \$2,200,000 to the Department of Mental Health and Mental Retardation from the Special Mental Health Trust Fund for the fiscal year ending September 30, 2000, to be conditioned upon the availability of funds in the Special Mental Health Trust Fund and the approval of the Governor.

Section 3. Section 2C 73 of Act No. 99-441 is amended to read as follows:

**73. Health, Department of
Public:**

(a) Personal Health Services Program	152,106,376
(b) Health Support Services Program	177,595,865

Of the above appropriation, \$100,000 shall be expended for the vaccination against Hepatitis B of all children enrolled in the fifth grade. Such vaccinations shall be administered statewide by the respective school districts at such times as will accomplish an increased rate of vaccination against Hepatitis B prior to the end of the 1999-2000 school year. Of the amount appropriated to support local health department services, \$4,500,000 shall be used to provide a minimum staff in each of the

67 counties and the remainder shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program	22,605,411
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Of the above appropriation, \$100,000 shall be expended as a pass through grant for water and wastewater training at the Alabama Water and Wastewater Institute for water and wastewater operators training and/or educational seminar; \$100,000 shall be expended for the American Sports Medicine Institute; and \$10,000 shall be allocated for the Phenix Regional Hospital in Phenix City for sickle cell research.

(d) Abstinence Education Programs.....	300,000
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(e) Children's Health Insurance Program	67,300,000
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SOURCE OF FUNDS:

(1) State General Fund.....	39,711,175	
(2) State General Fund – CHIP Program	9,000,000	
(3) Alabama Legacy for Environmental Research Trust Fund		1,000,000

As provided in Section 22-30B-19, Code of Alabama 1975.

(4) Cigarette Tax – \$0.01 and \$0.02	1,661,199
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As provided in Sections 40-25-2 and 40-25-23, Code of Alabama 1975.

(5) Emergency Medical Services Fund	90,000
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As provided in Section 22-18-4, Code of Alabama 1975.

(6) Federal Funds	206,821,732
(7) Health-Medicaid Fund	29,245,737
(8) Hospital Licensing Fund..	713,494
(9) Local Health Departments..	104,290,931
(10) Milk Processing Fee	51,483

In accordance with Sections 20-1-140 through 20-1-146, Code of Alabama 1975.

(11) Miscellaneous Funds	23,062,495
(12) Radiation Safety Fund ...	- 846,465
(13) Vital Statistics Fund	3,412,941

Total Health, Department of Public	48,711,175	371,196,477	419,907,652
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Of the above appropriation to the Department of Public Health, at least \$898,600 shall be spent on perinatal activities. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated to the Department of Mental Health and Mental Retardation from the State General Fund for the fiscal year ending September 30, 2000, \$2,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor. However, none of this conditional appropriation may be released by the Governor unless and until all first level conditional appropriations

that are contingent solely upon a statutory remedy to the loss of taxes to the state as a result of the Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S. Ct. 1180) are released in full.

Section 5. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated to the Department of Corrections from the State General Fund for the fiscal year ending September 30, 2000, \$1,000,000 to be conditioned upon the availability of funds and the approval of the Governor. However, none of this conditional appropriation may be released by the Governor unless and until all first level conditional appropriations that are contingent solely upon a statutory remedy to the loss of taxes to the state as a result of the Supreme Court decision in *South Central Bell Telephone Company v. Alabama* (119 S. Ct. 1180) are released in full.

Section 6. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated the sum of \$800,000 to the Office of Prosecution Services from the Office of Prosecution Services Fund for the fiscal year ending September 30, 2000.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 24, 1999

Time: 8:40 A.M.

Act No. 99-631

S. 14 – Senator Mitchell

AN ACT

To make an appropriation of \$50,000 from the Education Trust Fund to the Cloverdale Center for Family Strengths in Montgomery, Alabama for the support and maintenance of a program to educate family professionals, counselors, ministers, and college students about the secrets of strong families, to conduct research projects to determine what is right with families, and provide pre-marital counseling for couples, for the fiscal year ending September 30, 2000; to provide that the appropriations are subject to certain provisions of the Code of Alabama 1975; and to require an operations plan and an audited financial statement prior to the release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$50,000 from the Education Trust Fund to the Cloverdale Center for

Family Strengths in Montgomery, Alabama, for the support and maintenance of a program to educate family professionals, counselors, ministers, and college students about the secrets of strong families, to conduct research projects to determine what is right with families, and provide pre-marital counseling for couples, for the fiscal year ending September 30, 2000.

Section 2. The above appropriation is made for the support of public education in Alabama and for the support and maintenance of the above program. The appropriation shall be subject to the provisions, terms, conditions, and limitations of the Budget and Financial Control Act, Code of Alabama 1975, Sections 41-4-80 et seq.; the provisions of The Budget Management Act of 1976, Code of Alabama 1975, Sections 41-19-1 et seq.; and any other provisions of this act.

Section 3.

(a) Prior to the release of any funds appropriated in this act the following reports shall be submitted:

(1) An operations plan for the fiscal year 1999-2000, including goals and measurable performance indicators, shall be submitted to and approved by the Director of Finance, as provided for state agencies in Code of Alabama 1975, Section 41-19-10.

(2) An audited financial statement for all operations during the fiscal year 1997-1998.

(b) It is the intent of the Legislature that funds appropriated for fiscal year 1999-2000 shall be released by the Director of Finance following receipt of the above reports.

(c) In addition, quarterly reports shall be made to the director of finance relating actual expenditures and accomplishments to ~~planned expenditures and accomplishments~~. An end of year performance report for the fiscal year 1999-2000 shall be made to the Director of Finance stating the work accomplished and the services provided and the costs of accomplishing the work and providing the services, citing meaningful measures of program effectiveness and costs, as is required for state agencies in Code of Alabama 1975, Section 41-19-11.

(d) The Director of Finance shall forward a copy of all required reports to the Joint Fiscal Committee in a timely manner.

Section 4. No legislator or family member of any legislator, whether related to the legislator by blood or marriage, shall receive wages nor shall benefit financially, except to receive services as a client to which any citizen of the State is otherwise entitled, from any appropriation made in this act.

Section 5. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 24, 1999

Time: 8:50 A.M.

Act No. 99-632

H. 6 – Rep. Morrison

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory: A tract or parcel of land containing 30.82 acres of land, more or less and being more particularly described as follows:

Commence at a found rebar marking the northwest corner of the northeast quarter of the northeast quarter of section 34, township 10 south, range 3 west, Cullman County, Alabama and run south 02 degrees 08 minutes 12 seconds east and run along the accepted west line, a distance of 103.17 feet to a point on the southerly right-of-way line of 24th Street southwest and the point of beginning; thence continue south 02 degrees 08 minutes 12 seconds east, a distance of 1119.79 feet to a found rebar; thence run south 13 degrees 41 minutes 27 seconds west, a distance of 54.64 feet to a found 1/2 inch pipe; thence run north 86 degrees 42 minutes 17 seconds east, a distance of 1322.91 feet to a found rebar marking the west right-of-way line of golf course road; thence run north 02 degrees 50 minutes 25 seconds west, and run along said west right-of-way line, a distance of 484.43 feet to a found rebar; thence run south 87 degrees 44 minutes 15 seconds west, a distance of 297.91 feet to a point; thence run north 02 degrees 15 minutes 44 seconds west, a distance of 716.62 feet to a point on the southerly right-of-way line of said 24th Street southwest, thence run along said southerly right-of-way line the following 7 courses:

South 86 degrees 26 minutes 49 seconds west, a distance of 179.75 feet;

South 03 degrees 15 minutes 29 seconds east, a distance of 10.00 feet;

South 86 degrees 26 minutes 57 seconds west, a distance of 499.69 feet;

South 03 degrees 15 minutes 36 seconds east, a distance of 10.00 feet;

South 86 degrees 26 minutes 57 seconds west, a distance of 200.00 feet;

South 03 degrees 33 minutes 24 seconds east, a distance of 10.00 feet;

South 86 degrees 26 minutes 57 seconds west, a distance of 123.79 feet to point of beginning.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Cullman is on file in the office of the Judge of Probate in Cullman County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 10:40 A.M.

Act No. 99-633

H. 7 – Rep. Morrison

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Commence at the Southwest corner of the North-half of the SE 1/4 of the NE 1/4 of Section 19, Township 10 South, Range 3 West; thence East 890 feet, more or less to a point, said point being 435 feet East of the Southeast corner of said twenty; thence North 500 feet, more or less to a point; thence East 435 feet, more or less to a point on the East line of said twenty; thence North along the East line of said twenty into the NE 1/4 of the NE 1/4 of Section 19, Township 10 South, Range 3 West a distance of 365 feet, more or less to a point; thence West 435 feet, more or less to a point; thence

North and parallel with the East line of said forty a distance of 600 feet, more or less to a point; thence East 435 feet, more or less to a point on the East line of said forty; thence North along the East line of said forty a distance of 515 feet, more or less to a point on the South side of Davidson Cove Road; thence due West along the South side of the Davidson Cove Road a distance of 940 feet, more or less to a point, said point being 370 feet, more or less East from a point where the South side of the Davidson Cove Road intersects the West line of said forty; thence in a Southwesterly direction 377 feet, more or less to a point, said point being 265 feet, more or less East from the West line of said forty; thence due West 265 feet, more or less to a point on the West line of the NE 1/4 of the NE 1/4 of Section 19, Township 10 South, Range 3 West, thence due South along the West line of the NE 1/4 of the NE 1/4 of Section 19, Township 10 South, Range 3 West, and continue along the West line of the N 1/2 of the SE 1/4 of NE 1/4 of Section 19, Township 10 South, Range 3 West for a total distance of 1620 feet, more or less to the point of beginning and containing 46 acres, more or less. Said tract or parcel of land located in the N 1/2 of the SE 1/4 of the NE 1/4 and the NE 1/4 of the NE 1/4, all in Section 19, Township 10 South, Range 3 West, situated, lying and being in Cullman County, Alabama.

LESS AND EXCEPT THE FOLLOWING THREE PARCELS:

PARCEL I:

Commence at the Northeast corner of the Northeast Quarter of the Northeast Quarter, Section 19, Township 10 South, Range 3 West, thence S 0 degrees 01' 20" W 150.00 feet to the point of beginning, thence N 85 degrees 45' 00" W 200.00 feet to a point, thence S 0 degrees 01' 20" W 150 feet to a point, thence S 85 degrees 45' 00" E 200.00 feet to a point, thence N 0 degrees 01' 20" E 150.00 feet to the point of beginning. Containing 0.69 acre more or less. Said land lying in the NE 1/4-NE 1/4, Section 19, Township 10 South, Range 3 West, Cullman County, Alabama.

PARCEL II:

A parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 19, Township 10 South, Range 3 West, more particularly described as follows: Commence at the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section 19, Township 10 South, Range 3 West; thence South 0 degrees 01 minutes 20 seconds West 150.0 feet to a point; thence North 85 degrees 45 minutes 00 seconds West 200 feet to a point; thence North 0 degrees 01 minutes 20 seconds East 142.56 feet to a point; thence South 87 degrees 52 minutes 49 seconds East 199.59 feet to the point of beginning. Containing 0.67 acres, more or less. Said land lying in the Northeast Quarter of the

Northeast Quarter of Section 19, Township 10 South, Range 3 West, Cullman County, Alabama.

PARCEL III:

A part of the NE 1/4-NE 1/4, Section 19, Township 10 South, Range 3 West described as follows: Commence at the NE corner of Section 19, Township 10 South, Range 3 West, thence South 87 degrees 52' 49" West 199.59 feet to the point of beginning; thence South 00 degrees 01' 20" West 292.56 feet to a point; thence North 85 degrees 45' West 50 feet to a point; thence North 00 degrees 01' 20" East 290.7 feet to a point; thence South 87 degrees 52' 29" East 49.90 feet to the point of beginning. Said land lying and being in Cullman County, Alabama, and containing 0.33 acres more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Cullman is on file in the office of the Judge of Probate in Cullman County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 10:41 A.M.

Act No. 99-634

H. 8 – Rep. Morrison

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

TRACT 1

All that part of the Northeast Quarter-Northeast Quarter of Section 35, Township 10, Range 3 West more particularly described as: Beginning at the Northeast corner of said forty; thence South 87 Degrees 29 Minutes 49 Seconds West 605.36 feet to the point of intersection of the West right of way of the CSX&T Railroad with the South right of way of a County Road and the true point of beginning of the

property herein described; thence from said true point of beginning South 88 Degrees 40 Minutes 29 Seconds West along said South right of way 481.14 feet; thence South 44 Degrees 00 Minutes 39 Seconds West along said South right of way 22.46 feet to a point on the East right of way of U.S. Highway No. 31; thence along said right of way by the following chord bearings and distances South 27 Degrees 23 Minutes 38 Seconds East 103.41 feet; thence South 25 Degrees 26 Minutes 27 Seconds East 103.75 feet; thence South 23 Degrees 14 Minutes 12 Seconds East 103.93 feet; thence South 21 Degrees 09 Minutes 35 Seconds East 103.6 feet; thence South 19 Degrees 21 Minutes 42 Seconds East 103.64 feet; thence South 17 Degrees 18 Minutes 06 Seconds East 103.39 feet; thence South 15 Degrees 24 Minutes 22 Seconds East 109.8 feet to a point; thence North 62 Degrees 36 Minutes 12 Seconds East 715.16 feet to a point on the West right of way of the CSX&T Railroad; thence North 46 Degrees 49 Minutes 56 Seconds West along said right of way 552.76 feet to the true point of beginning and containing 8.08 acres, more or less.

TRACT 2

All that part of the Northeast Quarter-Northeast Quarter of Section 35, Township 10 South, Range 3 West, more particularly described as: Beginning at the Northeast corner of said forty; thence South 87 Degrees 29 Minutes 49 Seconds West 605.36 feet to a point on the West right of way of the CSX&T Railroad; thence South 46 Degrees 49 Minutes 56 Seconds East along said right of way 552.76 feet to an existing rebar iron and the true point of beginning of the property herein described; thence from said true point of beginning, continue South 46 Degrees 49 Minutes 56 Seconds East, along said right of way 106.04 feet to a set rebar iron; thence South 62 Degrees 36 Minutes 12 Seconds West, 775.36 feet to a set rebar iron on the East right of way of U.S. Highway 31; thence North 13 Degrees 24 Minutes 22 Seconds West, along said right of way 103.06 feet to an existing rebar iron; thence North 62 Degrees 36 Minutes 12 Seconds East, 715.16 feet to the true point of beginning and containing 1.78 acres more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Cullman is on file in the office of the Judge of Probate in Cullman County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 10:42 A.M.

Act No. 99-635

H. 9 – Rep. Morrison

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

A tract or parcel of land containing 54.70 acres of land, more or less and being situated in the Northwest Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter, all in Section 36, Township 10 South, Range 3 West, Cullman County, Alabama, and being more particularly described as follows: Begin at a set rebar marking the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 36 and run South 00 Degrees 54 Minutes 05 Seconds East, a distance of 1316.76 feet to a set rebar marking the Southeast corner of said Northeast Quarter of the Northwest Quarter; thence run South 89 Degrees 46 Minutes 37 Seconds West, and run along the South line of said Quarter, a distance of 1647.32 feet to a set rebar marking the Northeast right of way line of L&N Railroad and being in a curve to the left having a central angle of 8 Degrees 50 Minutes 59 Seconds, a radius of 1,989.89 feet and a chord bearing of North 38 Degrees 44 Minutes 14 Seconds West; thence run along the arc of said curve a distance of 307.35 feet to a found rebar; thence run North 00 Degrees 41 Minutes 17 Seconds West, a distance of 1,067.55 feet to a set rebar on the North line of the Northwest Quarter of the Northwest Quarter of said section; thence run North 89 Degrees 29 Minutes 55 Seconds East, a distance of 1,831.62 feet to the point of beginning. Less and except all that part of the above described property that lies within the right of way of County Road 715 and 623. SUBJECT to right of way for public purpose, to Cullman County, its successors and assigns, as described in instrument filed for record January 11, 1995 at 3:41 PM and recorded in Deed Book 436, Page 216 in the Office of the Judge of Probate of Cullman County, Alabama.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Cullman is on file in the office of the Judge of Probate in Cullman County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 10:43 A.M.

Act No. 99-636

S. 46 – Senator Preuitt

AN ACT

To make an appropriation of \$30,000 to the Interpreters and Transliterators Board from the Interpreters and Transliterators Fund for the fiscal year ending September 30, 2000.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated the sum of thirty thousand dollars (\$30,000) to the Interpreters and Transliterators Board from the Interpreters and Transliterators Fund for the fiscal year ending September 30, 2000.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:31 P.M.

Act No. 99-637

S. 19 – Senator Biddle

AN ACT

To amend Section 9-2-60, Code of Alabama 1975, relating to the Game and Fish Division of the Department of Conservation and Natural Resources, to rename the division.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-2-60, Code of Alabama 1975, is amended to read as follows:

“§9-2- 60.

“There is created within the department of conservation and natural resources a division to be known as the Division of Wildlife and Freshwater Fisheries.”

Section 2. Wherever reference is made to the Game and Fish Division or the Division of Game and Fish in Title 9 of the Code of Alabama 1975, or in any other statute, rule, or regulation

of the State of Alabama, the reference shall be construed to refer to the Division of Wildlife and Freshwater Fisheries.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:29 P.M.

Act No. 99-638

H. 5 – Rep. Millican

AN ACT

Relating to Marion County; providing for an additional expense allowance for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor and Tax Collector of Marion County shall be entitled to receive an expense allowance in the amount of five hundred dollars (\$500) per month to be paid out of the county general fund. This expense allowance shall be in addition to any and all other compensation, salary, and expense allowances provided for by law. The expense allowance shall be paid out of the General Fund of Marion County.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:00 P.M.

Act No. 99-639

H. 10 – Rep. Morrison

AN ACT

Relating to Cullman County, to repeal Act 99-419 of the 1999 Regular Session, relating to the imposition of additional court costs and additional fees on the recording of certain instruments in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 99-419 of the 1999 Regular Session, relating to the imposition of additional court costs and additional fees on the recording of certain instruments in Cullman County, is repealed.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:01 P.M.

Act No. 99-640

H. 20 – Rep. Black (L)

AN ACT

Relating to Greene County; amending Section 1 of Act 87-431 of the 1987 Regular Session (Acts 1987, p.641), increasing the pistol permit fee the sheriff is required to charge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 87-431 of the 1987 Regular Session (Acts 1987, p.641), is amended to read as follows:

“Section 1. In Greene County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20) per year, which shall be collected by the Sheriff.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:03 P.M.

Act No. 99-641

H. 26 – Rep. Thomas (D)

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the town of Springville in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Springville in St. Clair County are altered, rearranged,

and extended to include within the corporate limits of town, in addition to the lands now included, all of the following territory:

(a) From the Southwest corner of the SE1/4 of the NE1/4 of Section 28, Township 14 South, Range 2 East, run thence N2 degrees 28'W along 1/4-1/4 line 758.49 feet; thence N87 degrees 20'E 695.3 feet; thence S2 degrees 28'E 219.21 feet to the point of beginning of the property herein described; thence N81 degrees 43'E 793.45 feet; thence S76 degrees 00'E 150.00 feet to a point in the county road; thence S6 degrees 50'W along county road 34.06 feet; thence continue along county road S13 degrees 37'W 151.88 feet; thence S87 degrees 46'W 885.65 feet; thence N2 degrees 28'W 138.00 feet to the point of beginning; being a part of the SE1/4 of the NE1/4 of Section 28, Township 14 South, Range 2 East and a part of the SW1/4 of the NW1/4 of Section 27, Township 14 South, Range 2 East, St. Clair County, Alabama.

(b) LOT 5 FERN CREEK SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE 89, PROBATE OFFICE OF ST. CLAIR COUNTY, ASHVILLE DIVISION, ALABAMA.

(c) LOT 23, ACCORDING TO THE SURVEY OF FERN CREEK, AS RECORDED IN MAP BOOK 5, PAGE 89 IN THE PROBATE OFFICE OF ST. CLAIR COUNTY, ALABAMA, ASHVILLE DIVISION.

(d) A part of the SE1/4 of the NW1/4 of Section 24, Township 14 South, Range 1 East, St. Clair County, Alabama, more particularly described as follows: From the northwest corner of said SE1/4 of NW1/4; thence S0 degrees 01'02"W, 492.56 feet along the 1/4-1/4 line to an iron set and the point of beginning; thence continue S0 degrees 01'02"W 400.0 feet along the 1/4-1/4 line to an iron found on the north right of way of Canoe Creek Road; thence along right of way as follows: N76 degrees 28'43"E 105.98 feet; N80 degrees 57'54"E 119.02 feet to an iron set; thence leaving said road run N0 degrees 01'02"E 356.46 feet to an iron set; thence N89 degrees 58'58"W 220.57 feet to the point of beginning. Containing 1.90 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the town of Springville is on file in the office of the Judge of Probate in St. Clair County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:49 P.M.

Act No. 99-642

H. 27 – Rep. Thomas (D)

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Odenville in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Odenville in St. Clair County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Tract 1.

Part of the SE 1/4 of the NW 1/4 of Section 32, Township 15 South, Range 2 East, more particularly described as follows:

Commence at the NE corner of the SW 1/4 of the NE 1/4 of Section 32, Township 15 South, Range 2 East and run S 89 degrees 37' W along the north line of said forty for a distance of 1509.10 feet; thence run south for a distance of 435.60 feet for the point of beginning. Thence continue south along last described course for a distance of 200.0 feet to the centerline of a 60.0 foot easement; thence run N 80 degrees 54' E along centerline of said 60.0 foot easement for a distance of 100.0 feet; thence run north for a distance of 200.0 feet; thence run S 80 degrees 54' W for a distance of 100.0 feet to the point of beginning.

Tract 2.

Part of the SE 1/4 of NW 1/4 of Section 32, Township 15 South, Range 2 East, and being more particularly described as follows: Commence at the SE Corner of the SE 1/4 of NW 1/4 of Section 32, Township 15 South, Range 2 East. Thence West along the South line of said 1/4-1/4 Section 33.88 ft. to the point of beginning of tract herein described thence continue along the last named course 370.00 Ft. Thence N. 14 degrees 35' E. 668.83 Ft. to the south side of an easement having a radius of 60.00 Ft. Thence continue along the last named course 60.00 Ft. to the radius point of said easement thence N. 80 degrees 54' E. 51.96 Ft. to the center line of a 60.00 Ft. easement thence continue along the last named course and along the center line of said 60.00 Ft. easement 136.99 Ft. thence South 735.24 ft. to the point of beginning.

Tract 3.

A part of the S. W. 1/4 of N. E. 1/4 of Section 32, Township 15, South Range 2, East. And being more particularly described as

follows; Commence at the N. E. Corner of the S. W. 1/4 of N. E. 1/4 of Section 32, Township 15, South Range 2, East. Thence S. 89 degrees-37' W. long the north line of said 1/4-1/4 Section 590.00 Ft. to the point of beginning of tract herein described, Thence continue along the last named course 314.10 Ft. Thence south 549.96 Ft. to the center line of a 60.00 Ft. Easement, Thence S. 88 degrees-52' E. along the center line of said 60.00 Ft. Easement 247.24 Ft. Thence S. 85 degrees-32' E. along the center line of said Easement, 67.57 Ft. Thence N. 0 degree-03' W. 562.20 Ft. to the point of beginning. Also a part of the S. W. 1/4 of N. E. 1/4 of Section 32, Township 15, South Range 2, East. And being more particularly described as follows. Commence at the N. E. Corner of the S. W. 1/4 of N. E. 1/4 of Section 32, Township 15, South Range 2, East, Thence S. 89 degrees-37' W. along the north line of said 1/4-1/4 Section 904.10 Ft. to the point of beginning of tract herein described, Thence continue along the last named course 320.00 Ft. Thence south 591.86 Ft. to the center line of a 60.00 Ft. Easement, Thence N. 80 degrees-54' E. along the center line of said 60.00 Ft. Easement 283.43 Ft. Thence N. 88 degrees-52' E. along the center line of said 60.00 Ft. Easement 40.14 Ft. Thence north 549.96 Ft. to the point of beginning.

Tract 4.

Nine Acres, more or less, situated in the Southwest (SW) quarter of the Southeast Quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section Twenty-One (21), Township 15 South (TWP 15) Range 2 East (R2E) situated in St. Clair County, Alabama. This property comprises the whole SW 1/4 of the SE 1/4 of the SW 1/4 of said Section except One Acre in SE Corner formerly deeded to Rev. McLaughlin. On the East Side, the branch is the Line.

Tract 5.

Commence at the Southwest corner of the Northwest quarter of the Southeast quarter of Section 21, Township 15 South, Range 2 East and run North 88 degrees 00' East along the South line of said quarter-quarter section for 1377.54 feet to the point of beginning; thence continue North 88 degrees 00' East for 168.74 feet; thence North 13 degrees 57' East for 382.62 feet to a point on the Southerly right of way of a County Road; thence North 69 degrees 46' 20" West along said right of way for 168.74 feet; thence South 13 degrees 14' 10" West for 447.51 feet to the point of beginning. The above being situated in the Northeast quarter of the Southeast quarter of Section 21, Township 15 South, Range 2 East, located in St. Clair County, Alabama.

Tract 6.

That part of the East half of Southwest quarter of the Northeast quarter of Section 20, Township 15 South, Range 2 East, that lies Northerly of the Low Gap-Margaret Public Road.

Tract 7.

A part of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 15 South, Range 2 East and being more particularly described as follows: From the Northwest corner of the South 1/2 of the Northeast 1/4 of Southeast 1/4 of Section 20, Township 15 South, Range 2 East, go North 89 degrees 39' 57" East 692.57 feet for a point of beginning; thence S 0 degree 20' 03" W 284.48 feet; thence N 89 degrees 39' 57" E 389.44 feet; thence N 13 degrees 41' 02" E. 74.33 feet; thence N 41 degrees 14' 23" E 175.06 feet; thence N 35 degrees 40' 47" E 100 feet; thence S. 89 degrees 39' 57" West 579 feet to the point of beginning and lying in the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 15 South, Range 2 East St. Clair County, Alabama, according to survey by F.W. Meade, Reg. #9124, dated December 13, 1989. Containing 3.06 acres, more or less. Less except that portion lying within right of way of roads.

Tract 8.

All of my undivided 1/2 interest in and to the following described property: Start at the SW corner of the NW 1/4 of SW 1/4, Section 22, Township 15 South, Range 2 East, go N 88 degrees E 208.6 feet to beginning point; thence N 2 degrees 30' W 838 feet; thence N 88 degrees E 474 feet; thence S 2 degrees 30' E 838 feet; thence S 88 degrees W 474 feet to beginning point; containing 9.12 acres, more or less and being located in the NW 1/4 of SW 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

ALSO, Start at the NW corner of the SW 1/4 of SW 1/4 of Section 22, Township 15 South, Range 2 East; thence N 88 degrees E 208.6 feet to the beginning point; thence N 88 degrees E 474 feet; thence S2 degrees 30' E 160 feet; thence N 72 degrees W 500 feet to the beginning point, containing .88 acres, more or less and being located in the SW 1/4 of SW 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama, according to the survey of George W. Robertson, dated October, 1948.

Tract 9.

That part of the E 1/2 of SW 1/4 of NE 1/4 of Sec. 20, Twp. 15 South, Range 2 East that lies south of the Low Gap-Springville County Highway.

ALSO: Five acres in a square form in the NE corner of the NW 1/4 of SE 1/4 of Sec. 20, Twp. 15 South, Range 2 East; all in St. Clair County, Alabama.

Tract 10.

From the South-East corner of the North-East 1/4 of the South-West 1/4 of Section 22, Township 15 South, Range 2 East, go North along the East line of said 1/4-1/4 Section a distance of 420.00 feet to an iron for a Point-of-Beginning; Thence continue North along the 1/4-1/4 Section line 210.00 feet to an Iron; Thence left 90 degrees 00 minutes 00 seconds 210.00 feet to an Iron; Thence left 90 degrees 00 minutes 00 seconds 210.00 feet to the Point-of-Beginning, containing 1.0 acre and lying in the North-East 1/4 of the South-West 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 11.

Beginning at the SE corner NE 1/4 of SW 1/4 Section 22, Township 15 South, Range 2 East; thence N 2 degrees 30' W 210.0 feet to the point of beginning of the within described parcel; thence S 87 degrees 30' West 210.0 feet; thence N 2 degrees 30' W 210.0 feet, thence N 87 degrees 30' E 210.0 feet; thence S 2 degrees 30' E 210.0 feet to the point of beginning, being a part of the NE 1/4 of the SW 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 12.

Begin at the NE corner of the SW 1/4 / of Section 22, Township 15 South, Range 2 East: Thence South along the east line of said 1/4 1/4 Section 524.52 feet to the northerly right of way line of County Highway #12, thence 74 degrees 27' 30" to the right along said right of way 30.24 feet. Thence 14 degrees 02' to the right along said right of way 454.35 feet. Thence 90 degrees 25' 30" to the right 544.10 feet to the north line of said 1/4 1/4 Section Thence 90 degrees 01' to the right 493.59 feet to the point of beginning.

A part of the SW 1/4 of SE 1/4 of Section 22 Township 14 South Range 2 East according to the survey of F. W. Meade - Land Surveyor State Reg. #912.

Tract 13.

All that part of SW 1/4 of NW 1/4 that lies South of Public Road, Section 20, Township 15 South, Range 2 East.

Tract 14.

Commence at the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 19, Township 15 South, Range

2 East; thence run North 42 degrees 30 minutes East 716.88 feet along the northwest boundary line of the Southeast diagonal half of the Northeast Quarter of the Southeast Quarter of Section 19, Township 15 South, Range 2 East; thence South 47 degrees 24 minutes East 318.5 feet to the northwest right-of-way of a county road; thence South 40 degrees 12 minutes West along and with said right-of-way 125.0 feet; thence South 87 degrees 30 minutes West 210.0 feet; thence South 24 degrees 31 minutes West 210.0 feet; thence South 87 degrees 30 minutes West 344.0 feet to point of beginning, containing 3.25 acres, and being a part of the Northeast Quarter of the Southeast Quarter of Section 19, Township 15 South, Range 2 East.

Subject to all the reservations as stated in deed from Merrel P. Calloway as Trustee of the property of Central of Georgia Railway Company, to Lonnie Davis, dated July 17th, 1943, and recorded in the Office of Judge of Probate at Ashville, Alabama.

Except the 20 foot by 20 foot area designated as the Mizelle Cemetery, being located approximately 135 feet from Simmons Mountain Road and further, the grantors herein reserve a right for ingress and egress from Simmons Mountain Road to said cemetery plot.

Tract 15.

Tracts 4 and 17 as recorded in Map Book 4, page 75-78 in the Probate Office of St. Clair County, Alabama, Ashville Division.

Tract 16.

East one-half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter, Section 21, Township 15 South, Range 2 East.

Tract 17.

The NE 1/4 of NE 1/4 of SW 1/4 and the West 100 feet of the NW 1/4 of NW 1/4 of SE 1/4; the SE 1/4 of SE 1/4 of NW 1/4 and the West 100 feet of the SW 1/4 of SW 1/4 of NE 1/4; LESS AND EXCEPT the West 560 feet of the North 624 feet of SE 1/4 of SE 1/4 of NW 1/4, ALL in Sec. 20, Twp. 15 South, Range 2 East, St. Clair County, Alabama.

Tract 18.

SR. N 1/2 of SE 1/4 of SE 1/4, Sec. 27, Tp. 15, R.2.

SR. 10 acres in SE corner of SE 1/4 of SE 1/4, Sec. 27, Tp. 15, R.2.

SR. NE 1/4 of SE 1/4 Sec. 27, Tp. 15, R.2.

SURFACE RIGHTS ONLY.

Tract 19.

Sec. 27 Township 15 Range 2 East.

Tract 20.

A part of the Lot 1 according to the Survey of Harold C. Bettis and Betty H. Bettis Subdivision, as recorded in Map Book 2 page 56, being more particularly described as follows: Commence at the SW corner of the SW 1/4 of NE 1/4 of Section 34, Township 15, South Range 2, East; thence North 1 deg. 17 min. 21 sec. West along the West line of said 1/4 1/4 Section 357.93 feet; thence North 89 deg. 30 min. 40 sec. East 188.71 feet to the point of beginning of parcel herein described; thence continue along the last named course 565.22 feet to the center line of Smith Spur Road; thence South 5 deg. 50 min. West along center line of said road 87.57 feet; thence South along center line of said road 114.23 feet; thence South 39 deg. 55 min. East along center line of said road 200.68 feet; thence South 88 deg. 42 min. 20 sec. West 727.61 feet; thence North 1 deg. 17 min. 21 sec. West 355.26 feet to the point of beginning; being situated in St. Clair County, Alabama, Ashville Division.

Tract 21.

Begin at the Southeast corner of the Southeast quarter of the Northeast quarter; thence West 330 feet for point of beginning; thence North to the road; thence West along the road 330 feet; thence South to South boundary of said forty; thence East 330 feet to point of beginning, situated in the Southeast quarter of the Northeast quarter Section 20, Township 15, Range 2, East, containing 4 acres, more or less.

MINERAL RIGHTS RESERVED.

ALSO, commencing at the Southwest corner of the Southeast quarter of Northeast quarter and running North 660 feet; thence East 660 feet; thence South 660 feet; thence West 660 feet to starting point, being in Section 20, Township 15, Range 2, East, containing 10 acres, more or less.

Tract 22.

Begin at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 34, Township 15 South, Range 2 East; thence North along the 1/4-1/4 line 208.71 feet; thence right 90 degrees 208.71 feet; thence right 90 degrees 208.71 feet; thence right 90 degrees 208.71 feet to the point of beginning. Containing 1 acre, more or less, and lying in the Southwest Quarter of the

Northeast Quarter of Section 34, Township 15 South, Range 2 East, St. Clair County, Alabama.

ALSO:

From the SW corner of the SW 1/4 of the NE 1/4 of Section 34, Township 15 South, Range 2 East, go North along the 1/4-1/4 line 208.71 feet to the point of beginning; thence continue North along said 1/4-1/4 line for a distance of 149.22 feet; thence right 90 degrees 188.71 feet; thence right 90 degrees 149.22 feet; thence right 90 degrees 188.71 feet to the point of beginning. Containing 1/2 acre, more or less, and lying in the SW 1/4 of the NE 1/4 of Section 34, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 23.

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of Section 21, Township 15 South, Range 1 East and run N 88 degrees 00' E along south line of said quarter-quarter section 1546.28 feet; thence N 13 degrees 57' E for 382.62 feet to a point on the southerly right of way of a County Road and the point of beginning of property herein described; thence continue southeasterly along the right of way of County Road for 100 feet to a point; thence in a southerly direction 150 feet to a point; thence northwesterly and parallel to County Road right of way for 100 feet to a point; thence N 13 degrees 57' E for 150 feet to the point of beginning; lying and being to the NE 1/4 of the SE 1/4 of Section 21, Township 15 South, Range 1 East, St. Clair County, Alabama.

Tract 24.

Begin at the SW corner of Section 22, Township 15, Range 2, East, St. Clair County, Alabama; thence North 42 degrees 30' East 1,465 feet; thence North 74 degrees 30' West 413.4 feet; thence South 42 degrees 30' West 909 feet; thence South 2 degrees 30, East 521 feet to beginning point, containing 10 acres, more or less, being a part of the Survey of George W. Robertson. All mineral and mining rights excepted.

LESS AND EXCEPT the following described property: Commencing at the Southwest corner of the SW 1/4 of the SW 1/4 of Section 22, Township 15 South, Range 2 East and run thence North 42 degrees 30' East a distance of 1135 feet to the point of beginning of the parcel herein-described; thence continue along last named course a distance of 210 feet to a point; thence North 74 degrees 30' West 210 feet to a point; thence South 42 degrees 30' West 210 feet to a point; thence South 74 degrees 30' East 210 feet to the point of beginning; containing one acre, more or less, and lying in the SW 1/4 of the SW 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 25.

Commence at the Southeast corner of Section 19, Township 15 South, Range 2 East, and go thence, South 87 degrees 29' 00" West, 198 feet, thence North 00 degrees 35' 20" W, 420 feet for a point of beginning. Thence, South 87 degrees 29' 00" West, 716.96 feet to the East right of way of Low Gap-Margaret Road; thence 552.00 feet along the arc of a curve concave to the East, which has a radius of 1,170.77 feet and a delta angle of 27 degrees 00' 50" and a chord of North 07 degrees 19' 27" East, 546.90 feet; thence, South 76 degrees 37' 00" East, 57.46 feet; thence, North 85 degrees 55' 00" East, 94.69 feet; thence, South 63 degrees 05' 00" East 96.76 feet, thence North 89 degrees 45' 00" East, 165.66 feet; thence, South 43 degrees 25' 00" East, 139.29 feet, thence, North 46 degrees 28' 00" East, 141.05 feet; thence, North 78 degrees 22' 00" East, 42.36 feet, thence, South 00 degrees 35' 20" East, 465.89 feet to the point of beginning. Lying in the South East 1/4 of the South East 1/4 of Section 19, Township 15 south, Range 2 East, St. Clair County, Alabama.

Tract 26.

The North half of Northeast Quarter of Northeast Quarter of Southeast Quarter, Section 20, Township 15 South, Range 2 East.

Tract 27.

A part of the NW 1/4 of the SW 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama, described as follows: Commence at the NW corner of said NW 1/4 of SW 1/4 for point of beginning and run thence South 88 deg. 44' 23" East 180.67 feet to a point on the northwesterly boundary of Bel-Aire Road; thence along said boundary and a curve to the left with a delta angle of 07 deg. 00' 50" having a radius of 521.47 feet and a arc length of 63.84 feet, with a chord bearing and distance of South 17 deg. 40' 14" West 63.80 feet; thence continue along said boundary South 14 deg. 09' 49" West 134.02 feet; thence continue along said boundary and a curve to the right with a delta angle of 12 deg. 17' 20" having a radius of 671.68 feet and a arc length of 144.06 feet, with a chord bearing and distance of South 20 deg. 18' 29" West 143.79 feet; thence continue along said boundary South 26 deg. 27' 09" West 190.16 feet; thence North 0 deg. 42' 14" East 499.84 feet to the point of beginning, and containing 1.18 acres, more or less, according to the survey of James D. McGinnis, A1. Reg. No. 12699, dated April 4, 1994.

Tract 28.

From the Northwest corner of the Southeast 1/4 of Southwest 1/4 of Section 21, Township 15 South, Range 2 East, run thence

North 89 deg. 55' 21" East 500.6 feet for a point of beginning; thence continue on the same course 160.98 feet; thence South 0 deg. 28' 10" East, 167.56 feet; thence South 32 deg. 28' 02" West, 41.15 feet; thence South 14 deg. 49' 40" West 92.22 feet; thence North 83 deg. 15' 05" West, 158.4 feet; thence North 08 deg. 20' 25" East 275.94 feet to the point of beginning, lying in the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama. Less and except road right of way.

Tract 29.

The West half of the Southeast Quarter of the Southwest Quarter of Section Twenty (20) Township Fifteen (15) Range Two (2) East. Containing Twenty (20) acres more or less, mineral rights reserved.

Tract 30.

Part of the S.W. 1/4-S.E. 1/4 of Section 22, Township-15-South, Range 2 East, and more particularly described as follows:

Commence at the Northwest Corner of the above described S.W. 1/4 - S. E. 1/4 for the Point of Beginning; thence in an easterly direction along the North line of said 1/4-1/4 run a distance of 210.0 feet; thence 89 deg. 19' 20" right for 210.0 feet; thence 90 deg. 40' 40" right for 210.0 feet to the west line of said 1/4-1/4; thence 89 deg. 19' 20" right and northerly along the west line of said 1/4-1/4 for 210.0 feet to the Point of Beginning.

Containing 1 acre, more or less.

Tract 31.

A PARCEL OF LAND DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TWENTY, TOWNSHIP FIFTEEN, SOUTH, RANGE TWO EAST, GO WEST ALONG SAID 1/4-1/4 LINE FOR A DISTANCE OF 166.9 FEET; THENCE RIGHT 52 DEG. 28 MIN. 182.9 FEET; THENCE RIGHT 47 DEG. 39 MIN. 115.4 FEET; THENCE RIGHT 124 DEG. 53 MIN. 365.74 FEET TO THE POINT OF BEGINNING. ACCORDING TO THE SURVEY OF WALTER COLEMAN, REGISTERED SURVEYOR #9677 AS OF DECEMBER, 1972.

Tract 32.

Begin where the south line of the NE 1/4 of the SE 1/4, Section 19, Township 15 South, Range 2 East, intersects the north side of the Low Gap Public Road; thence run West along the south line of said forty 210 feet; thence in a northerly direction and parallel

with said Public Road 210 feet; thence east and parallel with south line 210 feet to said Public Road; thence in a southerly direction along the north side of said Public Road 210 feet to point of beginning, and being in the NE 1/4 of the SE 1/4 of Section 19, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 33.

Begin at the Northwest corner of the Southwest quarter of Section 22, Township 15, Range 2 East; thence North 88 degrees East 1320 feet; thence South 2 degrees 30' East 503 feet; thence South 88 degrees West 1320 feet; thence North 2 degrees 30' West 503 feet to beginning point, containing 15 acres, more or less, located in the Northwest quarter of Southwest quarter, Section 22, Township 15, Range 2 East, St. Clair County, Alabama.

Also, the Northeast quarter of the Southwest Quarter, Section 22, Township 15, Range 2 East.

Also, the Northwest quarter of the Southeast Quarter, Section 22, Township 15, Range 2 East.

Tract 34.

From the South-East Corner of the North-East 1/4 of the South-East 1/4 of Section 20, Township 15 South, Range 2 East, go South 89 degrees 39' 57" West, 433.91 feet for a .point-of-beginning. Thence continue on the same line 894.4 feet; thence, North 0 degrees 20' 03" East, 354.37 feet; thence, North 89 degrees 39' 57" East, 1,070.85 feet; thence, South 21 degrees 59' 15" West, 178.39 feet; thence, South 40 degrees 48' 15", West, 131.94 feet; thence, South 15 degrees 48' 15" West, 93.65 feet to the point-of-beginning.

Containing 8 Acres and lying in the North-East 1/4 of the South-East 1/4 of Section 20, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 35.

The North 491.96 feet of the SW 1/4 of the SW 1/4 of Section 27, Twp. 15 South, Range 2 East, that lies easterly of the public road, and more particularly described as follows; Commence at the northeast corner of said 1/4 1/4 section for point of beginning and run thence West along 1/4 1/4 line 736.02 feet to a point on the easterly boundary of a public road; thence left 106 degrees 48' and run southerly along said boundary 514.00 feet; thence left 73 degrees 12' and run easterly and parallel to north 1/4 1/4 line 588.01 feet, more or less, to a point on the east line of said 1/4 1/4 section; thence North along said line 491.96 feet to the point of beginning. Situated in St. Clair County Alabama, and containing 7.48 acres, more or less.

Tract 36.

A. For a point of beginning, start at the Southwest corner of Section 27, Township 15 South, Range 2 East; thence North 00 degrees 06 minutes 04 seconds West along the West line of Section 27 543.97 feet; thence South 89 degrees 53 minutes 56 seconds West 594.00 feet, thence North 00 degrees 06 minutes 04 seconds West 120.00 feet; thence North 89 degrees 53 minutes 56 seconds East 594.00' thence continue North 89 degrees 53 minutes 56 seconds East 528.00 feet, thence North 00 degrees 06 minutes 07 seconds West 647.60 feet to the Westerly right-of-way line of 60' County Road; thence South 16 degrees 08 minutes 36 seconds East along the Northwesterly right-of-way line of said County Road 282.82 feet; thence left along the arc of a curve to the left which has a delta angle of 2 degrees 18 minutes 38 seconds and a radius of 4948.46 feet, a distance of 199.56 feet, thence South 18 degrees 27 minutes 14 seconds East 108.32 feet, thence left along the arc of a curve to the left which has a delta angle of 2 degrees 22 minutes 59 seconds and a radius of 5809.61 feet, a distance of 241.63 feet, thence South 20 degrees 50 minutes 13 seconds East 377.32 feet; thence left along the arc of a curve to the left which has a delta angle of 15 degrees 57 minutes 38 seconds and a radius of 706.36 feet, a distance of 196.76 feet to the South line of Section 27, thence North 89 degrees 44 minutes 45 seconds West 1007.92 feet to the point-of-beginning, containing 16.2 acres and lying in the SW 1/4 of the SW 1/4 of Section 27, and the SE 1/4 of the SE 1/4 of Section 28, both in Township 15 South, Range 2 East, St. Clair County, Alabama.

B. For a point of beginning, start at the Southeast corner of Section 28 Township 15, South Range 2 East, thence North 00 degrees 06 minutes 04 seconds West along the East line of Section 28 543.97 feet, thence South 89 degrees 53 minutes 56 seconds West 357.44 feet, thence South 00 degrees 06 minutes 07 seconds East 541.75 feet; thence South 89 degrees 44 minutes 45 seconds East 357.44 feet to the point of beginning containing 4.5 Acres and lying the the SE 1/4 of the SE 1/4 of Sec. 28 Twp 15 South, Range 2 East, St. Clair County, Alabama.

Tract 37.

Commencing at the Southeast corner of the NE 1/4 of SE 1/4, Section 19, Township 15 south, Range 2 east; thence run north along the east line of said quarter-quarter section 683.7 feet; thence turn left an angle of 130 degrees and .01 minutes and run 190.5 feet to point of beginning of the land herein conveyed; from said beginning point continue on in the same direction 541.0 feet to a point; thence turn left an angle of 143 degrees and 39 minutes

and run 422.3 feet; thence turn left an angle of 87 degrees and 30 minutes and run 321.05 feet to point of beginning.

Tract 38.

The Northwest Quarter of the Southeast Quarter of Section 22, Township 15, Range 2 East. Also a right of way to said property as follows: (Upon the presently existing road). From Low Gap Public road to the East boundary of Northeast Quarter of the Southwest Quarter of Section 22, Township 15, Range 2 East adjoining the NW 1/4 of the SE 1/4 of Section 22, Township 15, Range 2 East. This is a perpetual easement over and on the property owned by Richard Henderson to run with the land for roadway purposes and it shall be 20 feet in width.

Tract 39.

Begin at the Northeast corner of the Southwest Quarter of the Southwest Quarter Section 22, Township 15, Range 2 East; thence South 42 degrees 30 minutes west 402 feet; thence North 73 degrees west 286 feet; thence north 43 degrees East along SE side of Roadway 352 feet; thence North 70 degrees East along SE side of Roadway 84 feet and 9 inches; thence North 93 degrees East along SE side of said Roadway 147 feet to the East line of the West Half of the SW 1/4; thence South along said East line 171 feet to point of beginning; Situate in the West Half of the Southwest Quarter; Section 22, Township 15, Range 2 East.

Tract 40.

Commencing at the Southwest corner of the SW 1/4 of the SW 1/4 of Section 22, Township 15 South, Range 2 East and run thence North 42 degrees 30' East a distance of 1135 feet to the point of beginning of the parcel herein described; thence continue along last named course a distance of 210 feet to a point; thence North 74 degrees 30' West 210 feet to a point; thence South 42 degrees 30' West 210 feet to a point; thence South 74 degrees 30' East 210 feet to the point of beginning; containing one acre, more or less, and lying in the SW 1/4 of the SW 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 41.

Begin on the north line of Northeast Quarter (NE 1/4) of Southwest Quarter (SW 1/4), Section 21, Township 15 South, Range 2 East, 208 feet and 8 inches west of the northeast corner, thence west along said north line a distance of 564 feet to its intersection with the north line of the public road; thence southeastwardly along the said north line of said road a distance of 650 feet to its intersection with the west line of the cemetery lot; thence

north and parallel with the east line of said forty and along the west line of said cemetery lot a distance of 316 feet to the point of beginning and containing 2.1 acres, more or less, and situated in St. Clair County, Alabama.

Tract 42.

Beginning at the southeast corner, NE 1/4 of SW 1/4, Section 21, Township 15 South, Range 2 East; thence north 549 feet to a point, the SE corner of said two acre parcel and point of beginning; thence north 157 feet to a rock corner; thence west 209 feet; thence north 190 feet to the centerline of Riddletown Road, thence southwesterly along the centerline of Riddletown for a distance of 507 feet, thence east 608 feet to the point of beginning, containing two acres, more or less, located in St. Clair County, Alabama.

Tract 43.

A part of the NE 1/4 of the SW 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, described as follows: From the SW corner of said NE 1/4 of SW 1/4 run thence N 0 degrees 29' 13"E 796.15 feet, thence S 76 degrees 03' 04"E 785.43 feet to a point on the northwesterly right of way of Low Gap Lane, thence N 53 degrees 49' 22"E along said right of way 187.80 feet to the POINT OF BEGINNING, thence N 36 degrees 10' 38"W 187.38 feet, thence N 37 degrees 33' 28"E 195.32 feet to a point on the southwesterly right of way of the Mew Margaret Road, thence S 52 degrees 26' 32"E along said right of way 69.82 feet, thence along a curve to the left with delta angle of 06 degrees 56' 31" having a radius of 606.06 feet and an arc length of 73.43 feet, with a chord bearing and distance of S 55 degrees 54' 58"E 73.39 feet, thence continue along said right of way S 10 degrees 57' 44"E 86.73 feet to a point on the northwesterly right of way of Low Gap Lane, thence S 40 degrees 43' 44"W along said right of way 44.94 feet, thence along a curve to the right with a delta angle of 13 degrees 05' 38" having a radius of 667.07 feet and an arc length of 152.45 feet, with a chord bearing and distance of S 47 degrees 16' 33"W 152.12 feet, to the point of beginning and containing 1.00 acres more or less.

Tract 44.

Lot #4 of Bel-Aire Estates as recorded in map book 5, page 51, in the office of the Judge of Probate of St. Clair County, Alabama, Ashville Division.

Tract 45.

BEGINNING AT THE SW CORNER OF SECTION 21; THENCE EAST 1320 FEET; THENCE NORTH 901.29 FEET TO THE POINT OF BEGINNING OF PROPERTY HEREIN

DESCRIBED; THENCE WEST 208.71 FEET; THENCE NORTH 208.71 FEET; THENCE EAST 208.71 FEET; THENCE SOUTH 208.71 FEET TO THE POINT OF BEGINNING: BEING LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 21, TOWNSHIP 15 SOUTH, RANGE 2 EAST, ST. CLAIR COUNTY, ALABAMA.

Tract 46.

NE4 of SW4 Sec.34-2p15, R2. lying and situated in said County and State, to have and to hold the same, the said rights, titles and interest, unto himself the said Willie Mabry and his heirs and assignees forever, but no right, title or interest of any reversioner or remainderance in said land is conveyed hereby.

Tract 47.

The SW 1/4 of SW 1/4 of Section 27, Township 15, Range 2 East, situated, lying and being in St. Clair County, Alabama.

Tract 48.

From the Southeast corner, NW1/4 of SW1/4 of Sec. 22, Twp. 15 South, Range 2 East run thence N1 degree 50'W along 1/4 1/4 line 170.0 feet to the center of a chert road, the point of beginning of property herein-described; thence continue N1 degree 50'W 660.07 feet to an iron stake; thence S89 degrees 16'W 629.07 feet; thence S1 degree 50' E 976.03 feet to the northerly side of Margaret Road; thence S73 degrees 20' E 83.36 feet along northerly side of said Margaret Road to the center of a Chert road; thence follow the center of said road northeasterly to point of beginning; being a part of the W1/2 of the SW1/4 of Sec. 22, Twp. 15 South, Range 2 East, St. Clair County, Alabama, and containing 11.58 acres more or less.

Tract 49.

Commence at the North-East Corner of the South-West 1/4 of the North-West 1/4 of Section 27, Township 15 South, Range 2 East, thence, South 0 degrees 23' East along the East Line of said 1/4-1/4 Section 360.75 feet to the point-of-beginning of tract herein described. Thence, continue along the last named course 302.50 feet to the South-East Corner of the North 1/2 of said 1/4-1/4 Section. Thence, West along the South line of the North 1/2 of said 1/4-1/4 Section 222.64 feet to the northeasterly right-of-way of a County Road. Thence North 12 degrees 53' 30" West along said right-of-way 59.42 feet to the point of a curve to the left having a radius of 571.76 feet; a central angle of 16 degrees 48'; thence, along the arc of said curve and along said right-of-way 167.64 feet to the point of tangent; thence, North 29 degrees 41' 30" West along said right-of-way 102.37 feet; thence, East and parallel with the North line of said 1/4-1/4 section 345.18 feet to the

point-of-beginning. Containing 1.88 Acres, being a part of the North 1/2 of the SW 1/4 of the NW 1/4 of Section 27, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 50.

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 15 South, Range 2 East, thence, go South 90 degrees 00' 00" East, 132.34 feet for a point of beginning. Thence, continue on the same line 396 feet, thence, South 00 degrees 24'58" East, 664.23 feet; thence, South 89 degrees 59'59" West, 395.99 feet, thence, North 00 degrees 25' 00" West, 664.23 feet to the point of beginning. Containing 6 acres and lying in the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 51.

The West 1/2 of the Southeast Quarter of Section Twenty (20) Township Fifteen (15) Range Two (2) East. Beginning at point A, northwest corner of northeast section travel 75.79 degrees, 300 feet at point B turn right 127.79 degrees, travel 367.59 feet to point C, turn right 127.79 degrees travel 300 feet to the beginning point, containing one acre, more or less.

Tract 52.

Begin at the NE corner of the SW 1/4 of the NW 1/4 of Section 27, Township 15 South, Range 2 East, thence West along the North line of said 1/4-1/4 section 643.02 feet to the Northeasterly right of way of a county road. Thence South 64 degrees 24' E along said right of way 55.42 feet to the point of a curve to the right having a radius of 286.00 feet, a central angle of 34 degrees 42' 30"; thence, along the arc of said curve in a southeasterly direction and along the northeasterly right of way of said county road, 173.25 feet to the point of tangent. Thence South 29 degrees 41' 30" E along said tangent 19.26 feet; thence East 459.84 feet to the East line of said 1/4-1/4 section. Thence North 0 degrees 23' W along the East line of said 1/4-1/4 section 157.25 feet to the point of beginning.

Tract 53.

The North half of the Southwest quarter of the Northwest quarter of Section 27, Township 15, South, Range 2 East, mineral and mining rights excepted.

Tract 54.

Bel-Aire Estates, Lot #5 - according to the plat of Bel-Aire Estates as recorded in Map Book 5, Page 51 in the office of the Judge of Probate of St. Clair County, Ashville Division.

Tract 55.

The West 1/2 of SE 1/4 of SE 1/4 section 28 Township 15, Range 2 east containing 20 acres more or less.

Tract 56.

From the SW corner of the NW 1/4 of the SE 1/4 of Section 21, Township 15 South, Range 2 East, run North 88 degrees East along 1/4-1/4 line, 1160.80 feet to point of beginning of land herein described; thence North 15 degrees 09' East, 561.0 feet to southerly boundary of the public road; thence South 66 degrees 26' East, 210.0 feet along said southerly boundary; thence South 16 degrees 09' West, 458.3 feet; thence South 88 degrees West, 215.3 feet to point of beginning; being a part of the N 1/2 of the SE 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama, and containing 2.4 acres, more or less.

Tract 57.

COMMENCE FROM THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST 00 SOUTH 00 DEGREES 06 MINUTES, 04 SECONDS EAST, 245 FEET FOR THE POINT OF BEGINNING. THENCE, CONTINUE ON THE SAME LINE 245 FEET, THENCE, SOUTH 89 DEGREES 42 MINUTES 36 SECONDS EAST 542.66 FEET TO THE WEST RIGHT OF WAY OF THE PUBLIC ROAD, THENCE NORTH 24 DEGREES 06 MINUTES 15 SECONDS EAST, 133.00 FEET, THENCE NORTH 00 DEGREES 42 MINUTES 36 SECONDS WEST, 419.70 FEET, THENCE NORTH 00 DEGREES 06 MINUTES 04 SECONDS WEST, 122.5 FEET, THENCE NORTH 00 DEGREES 12 MINUTES 36 SECONDS WEST, 177.8 FEET TO THE POINT OF BEGINNING. CONTAINING 2.1 ACRES, AND LYING IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 15 SOUTH, RANGE 2 EAST, ST. CLAIR COUNTY, ALABAMA.

Tract 58.

From the Northwest corner of the NW 1/4 of the SW 1/4 of Section 27, Township 15 South, Range 2 East, go South along 1/4-1/4 Section line 735 feet for point of beginning. Thence, Left 90 degrees 33', 1326 feet; thence right 90 degrees 30', 259 feet; thence, right 77 degrees 21', 175.45 feet; thence, right 39 degrees 16', 219.95 feet; thence, left 32 degrees 31', 214.53 feet; thence, left 22 degrees 15', 67.55 feet; thence, right 41 degrees 51', 263.6 feet; thence, left 47 degrees 13', 513.1 feet; thence, right 123 degrees 34' 461 feet to the point of beginning. Containing 7.48 acres more or less.

Tract 59.

Beginning at the southwest corner of the Northwest Quarter of the Southeast Quarter of Section 21, Township 15 South, Range 2 East, and run North 83 degrees 00' East along 1/4 1/4 line 1,160.80 feet; thence North 15 degrees 09' East 561.0 feet to southerly boundary of a Public Road; thence North 66 degrees 26' West 456.5 feet along said southerly boundary; thence South 28 degrees 30' West 210.0 feet; thence North 59 degrees 20' West 211.5 feet; thence North 27 degrees 47' East 210.0 feet to said southerly boundary; thence in a westerly direction along southerly boundary of said Public Road 736 feet, more or less, to west 1/4 1/4 line; thence south along 1/4 1/4 line 910 feet, more or less, to point of beginning; being a portion of the Northwest Quarter of the Southeast Quarter of Section 21, Township 15, South Range 2 East, St. Clair County, Alabama, and containing 22.8 acres more or less.

Tract 60.

Commence at the S.W. Corner of the N.W. 1/4 of S.E. 1/4 of Section 21, Township 15, South of Range 2, East, thence N 2 degrees 30' W along the West line of said 1/4 1/4 Section a distance of 431.69 ft. thence 92 degrees 30' right East a distance of 309.82 ft. to the point of beginning, thence continue along the last named course a distance of 180.00 ft. thence 62 degrees 13' left N 27 degrees 47" E a distance of 500.00 ft. to the Southerly right of way line of St. Clair Highway # 12, said point being on a curve to the left having a central angle of 25 degrees 54' a Radius of 720.00 ft. thence 94 degrees 13' to the left of the tangent of said curve thence along the arc of said curve a distance of 325.00 ft. thence S 10 degrees 49' W a distance of 510.89 ft. to the point of beginning.

Tract 61.

From the North-West Corner of the North-West 1/4 of the South-West 1/4 of Section 27, Township 15 South, Range 2 East, go South along the Section Line 735 feet for a point-of-beginning. Thence, continue along the Section line 461 feet; Thence, Left 123 degrees 34', 285 feet; thence, Left 56 degrees 26', 305.7 feet; thence, Left 90 degrees 33', 237.4 feet to the point-of-beginning. Containing 2.09 Acres, and lying in the North-West 1/4 of the South-West 1/4 of Section 27, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 62.

Commencing at the Northeast corner of the Northwest quarter of Southeast quarter Section 21, Township 15, Range 2, East; thence South 50 degrees West 782 feet to a point on the South line

of the right of way of the Low Gap-Odonville Public Road for a point of beginning of the land herein conveyed; from said beginning point run South 62 degrees East along said right of way line 210 feet; thence South 25 degrees West 210 feet; thence North 62 degrees West 210 feet; thence North 25 degrees East 210 feet to point of beginning, containing one acre, more or less, and being located in the Northwest quarter of Southeast quarter of Section 21, Township 15, Range 2, East, St. Clair County, Alabama.

Tract 63.

Commencing at a point on the south side of Odenville-Margaret Public Road where the said Road intersects the west boundary line of the North half of the southeast Quarter of Section 28, Township 15, Range 2 East, thence run in a southeasterly direction along the south side of said road 1055 feet for point of beginning of the land herein conveyed; from said beginning point run southeasterly along south side of said Road 315 feet; thence in a southerly direction 210 feet; thence in a westerly direction 315 feet; thence in a northerly direction 210 to point of beginning, being a part of the North half of the southeast Quarter, Section 28, Township 15, Range 2 East.

Tract 64.

From the SW corner of the NW 1/4 of the SE 1/4 of Section 28, Township 15 South, Range 2 East, run thence S 89 degrees 19' 34" E 592.00 feet, thence N 9 degrees 47' 11" E 751.07 feet, thence S 45 degrees 00' 20" E 200.00 feet to the point of beginning of the property herein described, thence N 42 degrees 11' 02" E 234.36 feet to a point on the southwesterly boundary of a public road, thence continue along said boundary and a curve to the right with a delta angle of 11 degrees 41' 43" having a radius of 619.18 feet and an arc length of 126.39 feet, with a chord bearing and distance of S 42 degrees 45' 02" E 126.17 feet, thence S 58 degrees 41' 50" W 235.83 feet, thence N 45 degrees 00' 20" W 58.72 feet to the point of beginning, being a part of the NW 1/4 of the SE 1/4 of Section 28, Township 15 South, Range 2 East, St. Clair County, Alabama, and containing 0.5 acres, more or less.

According to survey of James D. McGinnis, Al. Reg. No. 12699, dated Sept., 27, 1995.

Tract 65.

From the SW corner of the NW 1/4 of the SE 1/4 of Section 28, Township 15 South, Range 2 East, run thence S 89 degrees 19' 34" E 592.00 feet, thence N 9 degrees 47' 11" E 751.07 feet, thence S 45 degrees 00' 20" E 258.72 feet to the Point of Beginning of the property herein described, thence N 58 degrees 41' 50" E 235.83

feet to a point on the southwesterly boundary of a public road, thence continue along said boundary and a curve to the right with a delta angle of 03 degrees 53' 52" having a radius of 619.18 feet and an arc length of 42.12 feet, with a chord bearing and distance of S 34 degrees 57' 15" E 42.11 feet, thence continue along said boundary and a curve to the left with a delta angle of 00 degrees 56' 23" having a radius of 3719.01 feet and an arc length of 61.00 feet, with a chord bearing and distance of S 33 degrees 28' 37" E 61.00 feet, thence S 58 degrees 15' 34" W 215.32 feet, thence N 45 degrees 00' 20" W 107.69 feet to the Point of Beginning, being a part of the NW 1/4 of the SE 1/4 of Section 28, Township 15 South, Range 2 East, St. Clair County, Alabama, and containing 0.5 acres, more or less.

Tract 66.

A part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 15, Range 2 East being more particularly described as follows: Begin at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 26, Township 15, Range 2 East as a point of beginning; run South along the Quarter Quarter line 16 rods to a point; thence run in a Westerly direction to a point on the right-of-way line of Highway 174; thence run in a Northerly direction along the right-of-way line of Highway 174 to the North Quarter Quarter line of the Southeast Quarter of the Northwest Quarter of Section 26, Township 15, Range 2 East; thence run East along the said Quarter Quarter line to the point of beginning.

Tract 67.

Beginning at the Southwest corner of the North half of the West half of the Northeast Fourth of Section 26, Township 15, Range 2 East; thence running South sixteen rods; thence East to a point sixteen rods South of Southeast corner of said tract above described; thence North sixteen rods; thence West to starting point, being in St. Clair County, Alabama.

Tract 68.

The South West Quarter of North East Quarter of Section 26, Township 15 South of Range 2 East, less eight acres on north end of said forty containing 32 acres, more or less.

Tract 69.

From the Southeast corner, NW 1/4 of SE 1/4 of Sec. 34, Twp. 15 South, Range 2 East, the point of beginning of the lands herein-conveyed, run S 87 degrees 30' W 520 feet; thence N 2 degrees 30' W 302 feet to the southerly boundary of a county chert

road; thence N 74 degrees 56' E 532.8 feet along said southerly boundary; thence S 2 degrees 30' E 418 feet to point of beginning; being a part of the NW 1/4 of SE 1/4 of Sec. 34, Twp. 15 South, Range 2 East, St. Clair County, Alabama, surface rights only.

Tract 70.

Begin at the SE corner, SW 1/4 of SE 1/4 of Section 22, Township 15 South, Range 2 East, and run thence S 88 degrees 35' W 653.22 feet along section line; thence N 1 degree 47' 27" W 699.90 feet to the South boundary of a county road; thence N 86 degrees 43' E 653.52 feet along said boundary to East 1/4-1/4 line; thence S 1 degree 47' E 721.19 feet along 1/4-1/4 line to point of beginning; being a part of the SW 1/4 of SE 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 71.

Begin at the Northeast corner of the North-West 1/4 of the South-West 1/4 of Section 19, Township 15 South, Range 2 East; thence S 2 degrees 45' 05" E 835.20 feet to an iron; thence N 74 degrees 29' 40" W 539.00 feet to an iron; thence N 47 degrees 01' 52" E 420.00 feet to an iron; thence N 42 degrees 58' 08" W 266.28 feet to the center line of Cedar Creek Road; thence right along the arc of a curve to the left which has a radius of 110.81 feet, a delta angle of 64 degrees 48' 40" and a chord bearing of N 79 degrees 06' 15" E, a distance of 125.34 feet to the end of said curve; thence N 46 degrees 41' 55" E 87.79 feet to the beginning of a curve to the left which has a radius of 100.0 feet, a delta angle of 57 degrees 00' 37" seconds and a chord bearing of N 18 degrees 11' 36" E; thence along the arc of said curve a distance of 99.50 feet; thence N 76 degrees 00' 00" E 147.53 feet to the point-of-beginning. Containing 5.2 acres and lying in the North-West 1/4 of the South-West 1/4 of Section 19, Township 15 South, Range 2 East, St. Clair County, Alabama.

LESS AND EXCEPT 30 feet along and adjacent to the Northwestern side of the above described parcel (adjacent to the center line of Cedar Creek Road right-of-way) for a road right-of-way.

Tract 72.

A part of the Northwest fourth (NW 1/4) of the Southwest fourth (SW 1/4) of Section Twenty (20), Township Fifteen (15), Range 2 East; Beginning at a point on the West boundary line of said above described quarter and 183 yards (at the public road) from the Northwest corner of said quarter south on boundary line; thence along the public road in a Northeasterly direction 85 1/3 yards; thence North 70 yards; thence West 85 1/3 yards to line of

section and quarter as above described; thence South along line of said quarter to the point of beginning 70 yards. Containing one acre more or less. Surface rights only.

Tract 73.

Commence at the NW corner of the SE 1/4 of the SW 1/4 of Section 21, Twp. 15 South, R2E; thence South along the west line of said forty a distance of 490 feet to the point of beginning of the hereinafter described parcel of real estate; thence continue south a distance of 210 feet to a point; thence east a distance of 210 feet to a point; thence north a distance of 210 feet to a point; thence west a distance of 210 feet to the point of beginning; containing one acre, more or less, and being situated in the SE 1/4 of the SW 1/4 of Section 21, Twp. 15 S, R2E.

Tract 74.

For a point-of-beginning, start at the North-West Corner of the South-East 1/4 of the South-West 1/4 of Section 21, Township 15 South, Range 2 East, and go North 89 degrees 55 minutes 21 seconds East, 500.6 feet; thence, South 08 degrees 20 minutes 25 seconds West, 275.94 feet; thence, South 89 degrees 32 minutes 28 seconds West, 458.38 feet; thence, North 0 degrees 27 minutes 32 seconds West, 276.03 feet to the point-of-beginning. Containing 3.02 Acres, less and except the road right-of-way, and lying in the South-East 1/4 of the South-West 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 75.

A part of the NE 1/4 of the SW 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama, described as follows: Commence at the SW corner of said NE 1/4 of SW 1/4 for POINT OF BEGINNING, and run thence N 0 degrees 29' 13"E 796.15 feet, thence S 76 degrees 03' 04" E 785.43 feet to a point on the northwesterly right of way of Low Gap Lane, thence along a curve to the left with a delta angle of 20 degrees 09' 42" having a radius of 451.86 feet and a arc length of 159.00 feet, with a chord bearing and distance of S 43 degrees 44' 31"W 158.19 feet, thence continue along said right of way S 33 degrees 39' 40"W 43.46 feet, thence along a curve to the left with a delta angle of 25 degrees 10' 46" having a radius of 253.88 feet and a arc length of 111.57 feet, with a chord bearing and distance of S 21 degrees 04' 17"W 110.68 feet, thence continue along said right of way S 8 degrees 28' 54"W 83.22 feet, thence along a curve to the right with a delta angle of 13 degrees 34' 48" having a radius of 431.93 feet and a arc length of 102.37 feet, with a chord bearing and distance of S 15 degrees 16' 18"W 102.13 feet, thence continue along said right of

way S 22 degrees 03'41"W 70.00 feet, thence along a curve to the right with a delta angle of 06 degrees 57'14" having a radius of 463.76 feet and a arc length of 56.29 feet, with a chord bearing and distance of S 25 degrees 32'19"W 56.25 feet, thence continue along said right of way S 29 degrees 00'56"W 79.87 feet, thence N 88 degrees 22'32"W 467.51 feet to the point of beginning and containing 10.00 acres more or less.

Tract 76.

Tracts 1, 8, 15 and 16 as recorded in Map Book 4, page 75-78 in the Probate Office of St. Clair County, Alabama, Ashville Division.

'Tract 15 being subject to a life estate interest currently held by Bertha Lee Riddle.

Tract 77.

From the Southwest Corner of the North-West 1/4 of the North-East 1/4 of Section 30, Twp. 15 South, Range 2 East, go North 01 degree 23 minutes 41 seconds East, 420 ft., thence, North 89 degrees 08 minutes 04 seconds East, 90.79 ft. to an iron, thence, North 43 degrees 58 minutes 23 seconds East, 142.17 ft. to an iron for a point-of-beginning. Thence, North 43 degrees 58 minutes 23 seconds West 519.81 ft. to an iron, thence, North 44 degrees 40 minutes 22 seconds West, 80.14 ft. to an iron, thence South 43 degrees 58 minutes 23 seconds West, 567.65 ft. to an iron, thence, South 75 degrees 51 minutes 38 seconds East, 92.35 ft. to the point-of-beginning. Containing 1 Acre and lying in the North-West 1/4 of the North-East 1/4 of Section 30, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 78.

From the Southeast Corner of the North-East 1/4 of the South-West 1/4 of Section 22, Township 15 South, Range 2 East, go North 00 degrees 30 minutes 25 seconds East, 277.21 feet, thence North 89 degrees 29 minutes 35 seconds West, 210 feet for a point of beginning. Thence, continue on the same line 219.83 feet, thence, South 00 degrees 30 minutes 25 seconds West, 184.20 feet to the right-of-way of an un-named County Road, Thence, left 222.66 feet along the arc of a curve, concave to the North, which has a Radius of 565.93 feet, a delta angle of 22 degrees 32 minutes 34 seconds, and a chord of South 83 degrees 04 minutes 02 seconds East, 221.23 feet, thence, North 00 degrees 30 minutes 25 seconds East, 209.02 feet to the point-of-beginning. Containing 1 acre, and lying in the North-East 1/4 of the South-West 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 79.

Commence at the NW Corner of the SW 1/4 of the SE 1/4 of Section 22 Township 15 South Range 2 East: Thence south along the West line of said 1/4-1/4 Section 210.00 Ft. Thence 89 degrees 19' 20" to the left and parallel with the north line of said 1/4-1/4 Section 210.00 Ft. Thence 90 degrees 40' 40" to the left in a northerly direction 17.82 ft. Thence 90 degrees 40' 40" to the right in a easterly direction 144.21 ft. to the point of beginning of tract herein described. Thence continue along the last named course 144.22 ft. Thence 88 degrees 33' 20" to the right in a southerly direction 360.78 Ft. to the northerly right-of-way line of County Highway #12, Thence 90 degrees 00' to the right in a westerly direction along said ROW line 144.22 Ft. Thence 90 degrees 59' 30" to the right in a northerly direction 364.41 ft. to the point of beginning.

According to survey of F. W. Meade, Land Surveyor State Reg. #9124, dated February 16, 1988.

Tract 80.

Commence at the North-East Corner of the South-West 1/4 of the North-West 1/4 of Section 27, Township 15 South, Range 2 East, thence, South 0 degrees 23' East along the East line of said 1/4-1/4 Section 157.25 feet to the point-of-beginning of tract herein described. Thence, continue along the last named course 203.50 feet; thence, West and parallel with the North line of said 1/4-1/4 Section 345.18 feet to the northeasterly right-of-way of a County Road; thence, North 29 degrees 41' 30" West along said right-of-way 234.25 feet; thence, East and parallel with the North line of said 1/4-1/4 Section 459.84 feet to the point-of-beginning. Containing 1.88 Acres. Being a part of the North 1/2 of the South-West 1/4 of the North-West 1/4 of Section 27, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 81.

For a point of beginning, start at the SE corner of the SW 1/4 of the NW 1/4 of Section 26, Township 15 South, Range 2 East, go North on the 1/4 1/4 section line 364.26 feet to the center of the public road; thence left 106 deg. 01' 53" along said road 126.55 feet; thence left 96.58 feet along the arc of a curve which has a delta angle of 43 deg. 57' 59" and a radius of 125.87 feet; thence left along the tangent to curve 312.69 feet to the South line of 1/4 1/4 section; thence left 119 deg. 39' 16" 351.06 feet to the point of beginning; containing 1.98 acres, less and except the road right of way and lying in the SW 1/4 of the NW 1/4 of Section 26, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 82.

From the South-East Corner of Section 21, Township 15 South, Range 2 East, go West along the Section Line 826.31 feet; thence, Right 89 degrees 35' 15", 742.22 feet for a point-of-beginning. Thence, continue on the same line 255.62 feet; thence, Right 90 degrees, 255.62 feet; thence, 90 degrees, 255.62 feet; thence, Right 90 degrees, 255.62 feet to the point-of-beginning. Containing 1.5 Acres, and lying in the South-East 1/4 of the South-East 1/4 of Section 21, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 83.

The North one-half (N 1/2) of the Southeast quarter (SE 1/4) of Section 21, Township 15, Range 2 East, except one acre heretofore sold by the legatee of B.M. Lovell to Dewey Hawkins and wife, Gladys Hawkins, as recorded in Deed Book 79, page 371, in the Office of the Judge of Probate at Ashville, Alabama.

Tract 84.

Begin at the Northwest corner of the Southwest Quarter of the Southwest Quarter, Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama; thence North 83 degrees east 208.6 feet; thence South 71 degrees East 466.6 feet; thence South 42 degrees 30 minutes west 909.0 feet; thence North 2 degrees 30 minutes West 820 feet to Point of beginning; containing 6 acres, more or less, in the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 22, Township 15 south, Range 2 east, St. Clair County, Alabama.

Tract 85.

Commence at the North-West Corner of the South-West 1/4 of the North-West 1/4 of Section 27, Township 15 South, Range 2 East, thence, East along the North Line of said 1/4-1/4 Section 184.49 feet. Thence, South 199.94 feet; thence, East 284.16 feet to the point-of-beginning, of the tract herein described. Thence, continue East 353.41 feet to the southwesterly right-of-way of a County Road. Thence, South 29 degrees 41' 30" East along said right-of-way 165.00 feet; Thence, West and parallel with the Northline of said 1/4-1/4 Section 270.00 feet; Thence, South 186.39 feet; thence, West 165.14 feet; thence, North 329.72 feet to the point-of-beginning. Containing 2 Acres and lying in the North 1/2 of the South-West 1/4 of the North-West 1/4 of Section 27, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 86.

Begin at the Northwest corner of the southwest quarter of the Southwest Quarter of Section 22 Township 15 Range 2 East;

thence North 2 degrees 30' West 838 feet; thence north 88 degrees East 208.66 feet; thence south 2 degrees 30' East 838 feet; thence south 88 degrees west 208.6 feet; being the point of beginning, containing 4 acres more or less, and being in the Northwest Quarter of the Southwest Quarter of Section 22 Township 15 Range 2 East, St. Clair County, Alabama, mining and minerals rights reserved.

Tract 87.

Begin at the SW corner of the SW1/4 of the SW1/4 of Section 22, Township 15, Range 2 East, St. Clair County, Alabama; thence run east to the SE corner of the SW1/4 of the SW1/4; thence northwest to the center of said forty; thence southwest to the beginning point, being a part of the SW1/4 of the SW1/4 of Section 22, Township 15, Range 2 East, St. Clair County, Alabama.

Tract 88.

One acre, more or less described as follows: Commencing at the SW corner of the Southeast Quarter of the Southwest Quarter, Section 2, Township 15, Range 2 East; thence run North along the West line of said forty 383 feet for the point of beginning; from said point of beginning run East 210 feet; thence run North 210 feet; thence run West 210 feet; thence run South 210 feet to the point of beginning. Located in the SE 1/4 of the SW 1/4, Section 22, Township 15, Range 2 East.

Tract 89.

All that tract or parcel of land lying and being in the NE1/4 of the SW1/4 of Sec. 34, T15, R2, of St. Clair County, Alabama, containing 0.53 acres, more or less, and being more particularly described as follows: Beginning at an iron pin found at the NE corner of the NE1/4 of the SW1/4 of said Sec. 34; thence West along the North line of said 1/4-1/4 line a distance of 185 ft., more or less, to a point on the East line of Old Margaret Road; thence Southerly along East line of said Old Margaret Rd. a distance of 140 ft to a point; thence North 80 degrees East a distance of 188 ft., more or less, to a point on the East line of said 1/4-1/4; thence North along the East line of said 1/4-1/4 a distance of 108 ft to the Point of Beginning, and being a portion of the Willie Mabry and Mary Emma Mabry property described in Tax Deed Dated November 3, 1934 and Recorded June 6, 1935 in Deed Book 42, Page 546, of the St. Clair County Records.

Tract 90.

NW1/4 OF THE NE1/4 OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 15 SOUTH, RANGE 2 EAST, THE S1/2 OF THE NE1/4 OF THE SW1/4 OF THE SW1/4 OF SECTION 21,

TOWNSHIP 15 SOUTH, RANGE 2 EAST AND THE N1/2 OF THE SE1/4 OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 15 SOUTH, RANGE 2 EAST. MINERAL AND MINING RIGHTS EXCEPTED.

Tract 91.

That part of the Southwest Quarter of the Southeast Quarter of Section 22 Township 15 South, Range 2 East that lies South of the County Road; more particularly described as follows: Begin at the Southeast Corner, Southwest Quarter of Southeast Quarter of Section 22, Township 15 South, Range 2 East and run thence South 88 degrees 35 minutes West 1,326.43 feet along South Section line to the Southwest corner of said 1/4-1/4 section thence North 1 degree 48 minutes West 677.97 feet along 1/4 1/4 line to the South Boundary of a County Road; thence North 86 degrees 43 minutes East 1,327.34 feet along said boundary to East 1/4-1/4 line; thence South 1 degree 47 minutes East 721.19 feet along said 1/4-1/4 line to point of beginning; being a part of the Southwest Quarter of the Southeast quarter of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama, and containing 21.3 acres.

Tract 92.

Commence at an iron at the Southwest corner of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 15 South, Range 2 East; thence North 1 degree 56' 05" West 235.00 feet to an iron for a point of beginning; thence North 1 degree 56' 05" West 441.95 feet to an iron on the Southerly right of way line of Margaret Road; thence North 86 degrees 38' 14" East 50.13 feet to an iron at the intersection of the Southerly right of way of Margaret Road and the Westerly right of way line of a 20 foot wide road right of way; thence North 86 degrees 38' 14" East 10.01 feet to the center line of said 20 foot wide road right of way; thence South 5 degrees 22' 20" East along the center line of said road right of way a distance of 111.07 feet to the beginning of a curve to the right which has a radius of 971.21 feet, a delta angle of 7 degrees 04' 13" and a chord bearing of South 2 degrees 30' 57" East 153.16 (chord length); thence along the center line of said road right of way and the arc of said curve a distance of 119.85 feet; thence South 1 degree 05' 23" West along the center line of said road right of way a distance of 148.55 feet to the beginning of a curve to the left which has a radius of 275.83 feet, a delta angle of 13 degrees 33' 01" and a chord of South 4 degrees 19' 27" East 65.08 feet (chord length); thence along the center line of said road right of way and the arc of said curve a distance of 65.23 feet; thence South 88 degrees 35' 00" West 10.14 feet to an iron on the Westerly side of said 20 foot wide road right of way; thence South

88 degrees 35' 00" West 51.31 feet to the point of beginning. Containing 0.65 acres and lying in the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Less and Except a 10 foot wide right of way lying westerly of and adjacent to the Easterly side of the above described parcel.

Tract 93.

From the NW corner of the NE 1/4 of the NW 1/4 of Section 26, Township 15 South, Range 2 East, run south along 1/4-1/4 line 268.56 feet to the point of beginning of the property herein described; thence left 70 degrees 34' 48" and run southeasterly 1190.50 feet to a point on the northwesterly right of way of Alabama Highway No. 174; thence form an interior angle left of 85 degrees 31' 53" and run southwesterly along said right of way 353.19 feet to right of way station 75+73.1; thence continue along said right of way and the arc of a curve to the left, having a central angle of 00 degrees 53' 50", for a distance of 66.88 feet; thence form an interior angle of 112 degrees 13' 50" left (from chord) and run westerly 953.35 feet to a point on the west line of said 1/4-1/4 section; thence form an interior angle of 91 degrees 12' 34" left and run north 760.00 feet to the point of beginning; being a part of the NE1/4 of the NW1/4 of Section 26, Township 15 South, Range 2 East, St. Clair County, Alabama and containing 14.0 acres, more or less.

Tract 94.

From the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 30, Township 15 South, Range 2 East, go East along the 1/4-1/4 line, 1,649.92 feet; thence left 87 degrees 42' 42", 1,166.66 feet for a point of beginning. Thence continue on the same line 185.82 feet; thence S 87 degrees 30' W, 311.68 feet; thence S 43 degrees 25' 15" E, 210.33 feet; thence N 89 degrees 48' 53" E, 167.35 to the point of beginning. Lying and being in the Northeast Quarter of the Northeast Quarter of Section 30, Township 15 South, Range 2 East, St. Clair County, Alabama.

Tract 95.

Beginning at a point where the Southeastern boundary of the public road, known as the old Margaret Road, intersects the Northern boundary line of the Northeast Quarter (NE 1/4) of Section 30, Township 15, Range 2 East; thence go in a Southwesterly direction along the said Southeastern boundary line of said public road for a distance of 420 feet to a point; thence turn an angle of 90 degrees to the left and go in a Southeasterly direction for a distance of 210 feet to a point; thence turn an angle of 90

degrees to the left and go in a Northeasterly direction for a distance of 420 feet to a point; thence go in a Northwesterly direction a distance of 210 feet more or less to the point of beginning. Begin a part of the NE 1/4 of Section 30, Township 15, Range 2 East.

Tract 96

Commence at the NW Corner of the South Half of the NE 1/4 of SE 1/4 of Section 34, Township 15 South, Range 2 East; Thence S 0 degrees 38' E along the west line of said south half of NE 1/4 of SE 1/4 of said Section 34, a distance of 260.00 feet to the point of beginning of tract herein described; thence continue along the last named course a distance of 160.00 feet; thence 90 degrees 23' to the left in an easterly direction, and parallel with the north line of said south half a distance of 210.00 feet; thence 89 degrees 37' to the left in a northerly direction a distance of 160.00 feet; thence 90 degrees 23' to the left in a westerly direction and parallel with the north line of said south half a distance of 210.00 feet to the point of beginning.

Tract 97.

The Northwest 1/4 of the Northeast 1/4 of Section 27, Township 15 South, Range 2 East, being more particularly described as follows: from an iron at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 15 South, Range 2 East, being the point of beginning of the property herein described, go South 01 degrees 47 minutes 03 seconds East along the east line of the Northwest 1/4 of the Northeast 1/4 a distance of 1325.96 feet to an iron, thence South 88 degrees 32 minutes 11 seconds West along the South line of said 1/4-1/4 a distance of 1325.90 feet to an iron; thence North 01 degrees 48 minutes 19 seconds West along the West line of said 1/4-1/4 section a distance of 1327.06 feet to an iron; thence North 88 degrees 35 minutes 00 seconds East along the North line of said 1/4-1/4 section a distance of 1326.40 feet to the point of beginning.

Also:

Commence at an iron at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 15 South, Range 2 East, thence North 88 degrees, 35 minutes, 00 seconds East 203.24 feet to an iron for a point of beginning; thence North 44 degrees, 34 minutes, 20 seconds West 117.72 feet to an iron at the beginning of a curve to the right which has a radius of 285.83 feet, a delta angle of 47 degrees 01 minutes 24 seconds and a chord of North 21 degrees, 03 minutes 38 seconds West 228.05 feet (chord length); thence along the arc of said curve a distance of 234.58 feet to an iron; thence North 1 degree, 05 minutes, 19 seconds East 148.42 feet to an iron at the beginning of a curve to the left which has a radius of 961.21 feet, a

delta angle of 7 degrees 04 minutes 13 seconds and a chord of North 1 degree, 50 minutes, 14 seconds West 118.54 feet (chord length); thence along the arc of said curve a distance of 118.61 feet; thence North 5 degrees, 22 minutes, 20 seconds West 111.42 feet to an iron on the Southerly right of way of Margaret Road; thence North 86 degrees, 38 minutes, 14 seconds East 20.01 feet to an iron on the Southerly right of way of Margaret Road; thence South 5 degrees, 22 minutes, 20 seconds East 110.71 feet to an iron at the beginning of a curve to the right which has a radius of 981.21 feet a delta angle of 7 degrees 04 minutes 13 seconds and a chord of South 1 degree, 50 minutes, 26 seconds West 148.68 feet to an iron at the beginning of a curve to the left which has a radius of 265.83 feet, a delta angle of 47 degrees 01 minutes 24 seconds and a chord of South 21 degrees, 03 minutes, 38 seconds East 212.10 feet (chord length); thence along the arc of said curve a distance of 218.17 feet to an iron; thence South 44 degrees, 34 minutes, 20 seconds East 136.48 feet to an iron on the South line of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 15 South, Range 2 East, thence South 88 degrees, 35 minutes, 00 seconds West 27.42 feet to the point of beginning. Lying in the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 15 South, Range 2 East, St. Clair County, Alabama.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Odenville is on file in the office of the Judge of Probate in St. Clair County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:42 P.M.

Act No. 99-643

H. 31 – Reps. Hayden and Allen

AN ACT

Relating to Hale County; providing for an additional expense allowance and salary for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor and Tax Collector of Hale County shall each be entitled to receive an additional expense allowance in the amount of three thousand dollars (\$3,000) per annum, which shall be in addition to all other expense allowances,

compensation, or salary provided by law. The expense allowances shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent tax assessor and tax collector, the annual salary for the Tax Assessor and Tax Collector of Hale County shall be increased by three thousand dollars (\$3,000) each, payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 2:06 P.M.

Act No. 99-644

H. 38 – Rep. Dolbare

AN ACT

Relating to Washington County; to repeal Act 84-537, of the 1984 Regular Session (Acts 1984, p. 1156), providing for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 84-537 of the 1984 Regular Session (Acts 1984, p. 1156), is repealed.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:07 P.M.

Act No. 99-645

H. 17 – Rep. Humphries

AN ACT

Relating to Jefferson County; to amend Section 2 of Act No. 95-735 of the 1995 Regular Session (Acts 1995, p. 1569), as last amended, allowing certain county officials to have either an automobile with fuel, oil, and repairs or a certain automobile expense allowance as reimbursement for the official's use of personal vehicle and fuel, oil, and repairs for official duties; to further define the term "County Official" to include the Jefferson County Assistant Tax Collector-Bessemer Division.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 95-735 of the 1995 Regular Session (Acts 1995, p. 1569), as last amended, is amended to read as follows:

“Section 2. As used in this act, the term “County Official” shall mean each Jefferson County Commissioner, the Jefferson County Tax Assessor, the Jefferson County Tax Collector, the Jefferson County Assistant Tax Collector-Bessemer Division, the Assistant Jefferson County Tax Assessor - Bessemer Division, the Jefferson County Treasurer - Birmingham Division, and the County Treasurer - Bessemer Division.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 2:02 P.M.

Act No. 99-646

H. 21 – Rep. Starkey

AN ACT

Relating to Lauderdale County; authorizing municipalities and municipal instrumentalities in Lauderdale County to acquire, establish, purchase, construct, maintain, enlarge, extend, lease, improve, and operate cable systems, telecommunications equipment, and telecommunications systems for purposes of furnishing cable service, interactive computer service, and Internet access and other Internet services and telecommunications service; authorizing municipalities and municipal instrumentalities in Lauderdale County to lease to others any of the cable systems and telecommunications equipment not needed for public or municipal purposes, and to couple any lease with the provision of cable service, interactive computer service, and Internet access and other Internet services and telecommunications service, or any combination thereof; requiring that municipalities and municipal instrumentalities in Lauderdale County which acquire cable systems, telecommunications equipment, and telecommunications systems for purposes of furnishing cable service, interactive computer service, and Internet access and other Internet services and telecommunications service to others to provide to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to any telecommunications equipment of the municipality or municipal instrumentality in Lauderdale County not needed for public or municipal purposes or used by the municipal instrumentality in the provision of telecommunications service to others on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory; and prescribing the powers of municipal instrumentalities in Lauderdale County in connection therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the following terms shall have the following meanings:

(1) **ALARM MONITORING SERVICE.** A service that uses a device located at a residence, place of business, or other fixed premises for both of the following purposes:

a. To receive signals from other devices located at or about the premises regarding a possible threat at the premises to life, safety, or property, from burglary, fire, vandalism, bodily injury, or other emergency.

b. To transmit a signal regarding any threat by means of transmission facilities of a municipality, municipal instrumentality, local exchange carrier, or one of its affiliates to a remote monitoring center to alert a person at the center of the need to inform the customer or another person or police, fire, rescue, security, or public safety personnel of the threat, but does not include a service that uses a medical monitoring device attached to an individual for the automatic surveillance of an ongoing medical condition.

(2) **CABLE SERVICE.** A service that provides both of the following:

a. The one-way or bi-directional transmission to subscribers of video programming or other programming service.

b. Subscriber interaction, if any, which is required for the selection or use of the video programming or other programming service, and shall include, without limitation, digital services, utilization of fiber optics, broadband services, use of data packets, and use of wireless methods to provide cable service.

(3) **CABLE SYSTEM.** A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but the term does not include any of the following:

a. A facility that serves only to retransmit the television signals of one or more television broadcast stations.

b. A facility of a common carrier which is subject, in whole or in part, to the provisions of subchapter II of Chapter 5 of Title 47, U.S.C., as the provisions thereof read on the effective date of this act, except that the facility shall be considered a cable system to the extent the facility is used in the transmission of video programming directly to subscribers, unless the extent of the use is solely to provide interactive on-demand services.

c. An open video system that complies with the provisions of 47 U.S.C. § 573, as the provisions thereof read on the effective date of this act.

d. Any facilities of any electric utility used for operating its electric utility system.

(4) **CUSTOMER PREMISES EQUIPMENT.** Equipment employed on the premises of a person, other than a telecommunications service provider, to originate, route, or terminate telecommunications.

(5) **INTERACTIVE COMPUTER SERVICE.** Any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and the systems operated or services offered by libraries or educational institutions.

(6) **INTERNET.** The international computer network of both Federal and non-Federal interoperable packet switched data networks.

(7) **MUNICIPAL INSTRUMENTALITY or INSTRUMENTALITY OF A MUNICIPALITY.** Any one or more public corporations incorporated pursuant to the provisions of any of the following:

a. Article 9 of Chapter 50, Title 11, Code of Alabama 1975, as amended.

b. Article 15 of Chapter 50, Title 11, Code of Alabama 1975, as amended.

c. Chapter 7, Title 39, Code of Alabama 1975, as amended.

d. A local act providing that the governing body of the public corporation is to be appointed by the governing body of a municipality and that the public corporation is authorized to furnish electric service to consumers for ultimate consumption.

e. Chapter 50A, Title 11, Code of Alabama 1975, as amended.

(8) **MUNICIPALITY.** Any incorporated city or town in Lauderdale County.

(9) **TELECOMMUNICATIONS.** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(10) **TELECOMMUNICATIONS CARRIER.** Any provider of telecommunications services, except that the term does not include aggregators of telecommunications services as defined in the provisions of 47 U.S.C. § 226 as the provisions thereof read on the effective date of this act.

(11) **TELECOMMUNICATIONS EQUIPMENT.** Equipment, other than customer premises equipment, used by a provider of telecommunications to provide telecommunications services, and includes software integral to the equipment, including upgrades.

(12) **TELECOMMUNICATIONS SERVICE.** The offering of telecommunications, including servicing and repairing related equipment, for a fee directly to the public, or to the classes of users as to be effectively available directly to the public regardless of the facilities used, including, but not limited to, voice, data, imaging, and video transmissions and local telephone exchange service.

Section 2. In addition to all other power, rights, and authority heretofore granted by law, municipalities and municipal instrumentalities in Lauderdale County may acquire, establish, purchase, construct, maintain, enlarge, extend, lease, improve, and operate cable systems, telecommunications equipment and telecommunications systems, and furnish cable service, interactive computer service, and Internet access and other Internet services and telecommunications service, or any combination thereof, to the inhabitants of the municipality and surrounding territory. Notwithstanding any other provision of this act, municipalities and municipal instrumentalities in Lauderdale County may furnish to the inhabitants of the municipality in Lauderdale County and surrounding territory: Internet access and other Internet services; meter reading services; appliance, equipment, or facilities monitoring; alarm monitoring service and other security monitoring; surveillance or monitoring services; and billing and financial services. The governing body of any municipality in Lauderdale County, by ordinance to be entered on its minutes, and any municipal instrumentality in Lauderdale County, by appropriate action of its governing body to be entered on its minutes, also may lease to others any of its cable system and telecommunications equipment not needed for public or municipal purposes and may couple the lease with the provision of cable service, interactive computer service, and Internet access and other Internet services and telecommunications service, or any combination thereof. A lease made by the mayor in accordance with the ordinance or by the duly authorized officer, officers, or agents of the municipal instrumentality in Lauderdale County, shall be binding for the term specified in the lease, not to exceed a period of 25 years. Any municipality or municipal instrumentality in Lauderdale County which acquires a cable system, telecommunications equipment, or telecommunications systems for purposes of furnishing cable service, interactive computer service, and Internet access and other Internet services and telecommunications service, or any combination thereof, to others shall provide, to any requesting telecommunications carrier for the provision of a telecommunications service, nondiscriminatory access to any of the municipality's or municipal instrumentality's telecommunica-

tions equipment not needed for public or municipal purposes or used by the municipality or municipal instrumentality in the provision of telecommunications service to others on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory. A municipality or municipal instrumentality in Lauderdale County shall make available any of its telecommunications equipment not needed for public or municipal purposes or used by the municipality or municipal instrumentality in the provision of telecommunications service to others on an unbundled basis to requesting telecommunications carriers upon the same terms and conditions as the telecommunications equipment is made available to other telecommunications carriers by the municipality or municipal instrumentality. Nothing contained in this act shall affect the authority of the state or local governmental agencies to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way.

Section 3. (a) In order to provide funds for payment of the costs of the acquisition, establishment, purchase, construction, maintenance, enlargement, extension, lease, or improvement of cable systems, telecommunications equipment, and telecommunications systems, municipalities and municipal instrumentalities in Lauderdale County, within the limitations applicable under the Constitution of Alabama of 1901, may become indebted in an amount not to exceed the costs and the costs incurred in issuing the indebtedness, and in evidence thereof issue the municipality's or municipal instrumentality's warrants, bonds, or other evidences of indebtedness, as the case may be, in the manner, tenor, and form as may be otherwise provided by law, for the issuance of the municipality's or municipal instrumentality's warrants, bonds, or other evidences of indebtedness generally. The warrants, bonds, or other evidences of indebtedness issued pursuant to this section shall be payable solely from the revenues derived or to be derived from the operation of the systems or equipment and shall not have a maturity longer than 30 years from the date thereof.

(b) In order to further secure the prompt and faithful payment of the principal of and interest on all of the warrants, bonds, or other evidences of indebtedness, the municipality or municipal instrumentality in Lauderdale County may execute a mortgage or deed of trust upon any or all of its cable system or telecommunications equipment and all property used in connection therewith, including the franchise or any part thereof.

(c) Any mortgage or deed of trust given by the municipality or municipal instrumentality in Lauderdale County pertaining to its cable system, telecommunications equipment, or telecommunications system,

may contain terms, conditions, covenants, and warranties for the protection of the municipality or municipal instrumentality in Lauderdale County and holders of the warrants, bonds, or other evidences of indebtedness issued by the municipality or municipal instrumentality in Lauderdale County as may be determined and agreed upon by the governing body of the municipality or municipal instrumentality in Lauderdale County and the persons, firms, or corporations acquiring the warrants, bonds, or other evidences of indebtedness.

(d) The mortgage or deed of trust may provide that in the event of the foreclosure of the mortgage or deed of trust, the purchaser at foreclosure sale may acquire the right, privilege, and franchise of operating the cable system, telecommunications equipment, or telecommunications system that may be so sold or conveyed, and the purchaser or purchaser's vendee may have the right, authority, and privilege to carry on and operate the cable system, telecommunications equipment, and telecommunications system, in the same manner, on the same terms, and to the same extent as the municipality or municipal instrumentality in Lauderdale County is authorized to operate same until the municipality or municipal instrumentality in Lauderdale County may redeem the cable system, telecommunications equipment, and telecommunications system, from a mortgage sale.

(e) The mortgage or deed of trust may provide that rates and charges shall be established and maintained sufficient to meet the costs of operation and maintenance and that the municipality or municipal instrumentality in Lauderdale County may pledge all of the receipts, earnings, and revenues from the operation of the cable system, telecommunications equipment, or telecommunications system for the payment of the warrants, bonds, or other evidences of indebtedness secured thereby.

Section 4. In addition to all other powers, rights, privileges, and authority heretofore granted by law, in the exercise of the authority and power granted hereunder, municipalities and municipal instrumentalities in Lauderdale County may exercise all powers of eminent domain now or hereafter conferred on municipalities in this state.; provided however, that no municipality or municipal instrumentality shall acquire any cable system, telecommunications equipment, or telecommunications system or any part of any such system or equipment, including but not limited to poles, wires, conduits, transmitters, receivers, towers, appliances, or rights-of-way, through the exercise of the power of eminent domain.

Section 5. No action taken pursuant to this act shall create or authorize the incurrence of a debt by any municipality in Lauderdale County within the meaning of any state constitutional provisions or statutory limitation on debts.

Section 6. This act shall be regarded as supplementary and additional to and cumulative of powers conferred by other laws and shall not be regarded as being in derogation of any powers now existing, including without limitation, powers previously conferred upon specific municipalities or municipal instrumentalities in Lauderdale County by local acts or other means.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:04 P.M.

Act No. 99-647

H. 30 – Rep. Payne

AN ACT

Relating to Jefferson County; providing for an additional expense allowance and salary for the Tax Assessor of Jefferson County, Assistant Tax Assessor, Bessemer Division; Chief Deputy Tax Assessor, Birmingham; and Chief Deputy Tax Assessor, Bessemer Division.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Commencing immediately following the effective date of this act, the Tax Assessor of Jefferson County shall be entitled to an additional expense allowance in the amount of twelve thousand dollars (\$12,000) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning with the expiration of the term of the incumbent Tax Assessor, the annual salary for the Tax Assessor of Jefferson County shall be seventy-three thousand eight hundred dollars (\$73,800) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsection (a) shall become null and void.

Section 2. (a) Commencing immediately following the effective date of this act, the elected Assistant Tax Assessor, Bessemer Division, of Jefferson County shall be entitled to an additional expense allowance in the amount of eleven thousand twenty dollars (\$11,020) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense

allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning with the expiration of the term of the incumbent elected Assistant Tax Assessor, Bessemer Division, the annual salary for the elected Assistant Tax Assessor, Bessemer Division, shall be sixty-six thousand four hundred twenty dollars (\$66,420) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsection (a) shall become null and void.

Section 3. (a) Commencing immediately following the effective date of this act, the Chief Deputy Tax Assessor, Birmingham, of Jefferson County shall be entitled to an additional expense allowance in the amount of eleven thousand twenty dollars (\$11,020) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning with the expiration of the term of the incumbent Chief Deputy Tax Assessor, Birmingham, the annual salary for the Chief Deputy Tax Assessor, Birmingham, shall be sixty-six thousand four hundred twenty dollars (\$66,420) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsection (a) shall become null and void.

Section 4. (a) Commencing on the first day of the month immediately following the effective date of this act, the Chief Deputy Tax Assessor, Bessemer Division, of Jefferson County shall be entitled to an additional expense allowance in the amount of nine thousand seven hundred twenty dollars (\$9,720) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

(b) Beginning with the expiration of the term of the incumbent Chief Deputy Tax Assessor, Bessemer Division, the annual salary for the Chief Deputy Tax Assessor, Bessemer Division, shall be fifty-nine thousand seven hundred seventy-eight dollars (\$59,778) per annum, payable in equal monthly installments from the general fund of the county and at that time, subsection (a) shall become null and void.

Section 5. The expense allowances in Sections 1 to 4, inclusive, shall be considered salary for purposes of calculating retirement contributions and benefits.

Section 6. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:06 P.M.

Act No. 99-648

H. 48 – Rep. Dolbare

AN ACT

Relating to Washington County; to provide for all county owned or leased motor vehicles to be marked with a county logo.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This act shall apply only in Washington County.

(b) For the purpose of this act, the term “motor vehicle” includes any automobile, truck, road equipment or heavy machinery, or any other vehicle or equipment which is propelled by a motor.

(c) The County Commission of Washington County shall mark or have marked each motor vehicle owned or leased by the county with an appropriate county logo designating the motor vehicle as a county vehicle.

Section 2. This act is supplemental and shall be construed in pari materia with all laws local or general pertaining to Washington County and specifically with Act No. 63-134.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:07 P.M.

Act No. 99-649

H. 51 – Rep. Robinson (J)

AN ACT

Relating to Jackson County; to provide for abatement of nuisances related to commercial swine farming operations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Jackson County, Alabama.

Section 2. The following terms shall have the following meanings:

(1) COUNTY. Jackson County.

(2) COUNTY COMMISSION. The Jackson County Commission.

(3) SWINE FARM OR SWINE FARMING. Commercial concentrated animal feeding operations for swine. For purposes of this act, the term "concentrated animal feeding operation for swine" means an animal feeding operation defined in Title 40, Part 122, Appendix B of the Code of Federal Regulations, relating to the National Pollutant Discharge Elimination System (NPDES), or as otherwise designated by the Federal Environmental Protection Agency, and as defined and regulated by the Alabama Department of Environmental Management pursuant to Chapter 335-G-7 of the Alabama Administration Code.

Section 3. (a) Upon a written complaint and request from any person residing in the county, the county commission may, after a public hearing on the complaint, order the abatement of a public nuisance in the county related to noxious odors, dead animal decomposition or animal waste, or air or water pollution, arising from swine farming.

(b) If the county commission finds sufficient evidence of the existence of a public nuisance at a hearing it may order the offending person or party to immediately cease the operation or activity constituting a public nuisance and to abate the nuisance.

(c) If the operation or activity constituting a public nuisance is not abated within 30 days following an order by the county commission, the county commission may seek injunctive relief in the Circuit Court for Jackson County to abate the nuisance.

Section 4. The county commission may adopt rules and regulations for implementing and administering this act.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:09 P.M.

Act No. 99-650

H. 2 – Rep. Fuller

AN ACT

To provide, beginning January 1, 2001, for the distribution of revenue received from several taxes by depositing funds into the State General Fund that are currently deposited into the Education Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-12-227, 40-23-2, 40-23-61, 40-25-23 and 40-23-108 Code of Alabama 1975 are hereby amended to read as follows:

“§40-12-227.

“The total proceeds of the taxes or other funds deposited in the State Treasury pursuant to Section 40-12-226 remaining after payment of the expenses of administration and enforcement of this article shall be distributed to the State General Fund.”

“§40-23-2.

“There is levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm, or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University, and all other institutions of higher learning in the state, whether the institutions be denominational, state, county, or municipal institutions, any association or other agency or instrumentality of the institutions) engaged or continuing within this state, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, other watercraft, and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of the business at the rates specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not kept he or she shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net

difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(2) Upon every person, firm, or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether the institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subdivision, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school or any football playoff conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subdivision shall continue to be collected by the public primary or secondary school but shall be retained by the school which collected it and shall be used by the school for school purposes.

(3) Upon every person, firm, or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of the machines. The term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of the machines, attachments, and replacements therefor, which are made or manufactured for use on or in the operation of the machines and which are necessary to the operation of the machines and are customarily so used.

(4) Upon every person, firm, or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile

home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes, and any other materials pertaining thereto an amount equal to two percent of the gross proceeds of sale of the automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies provided, however, where a person subject to the tax provided for in this subdivision withdraws from his or her stock in trade any automotive vehicle or truck trailer, semitrailer, or house trailer for use by him or her or by his or her employee or agent in the operation of the business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars (\$5) per year or part thereof during which the automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of the person. Each year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which the automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of the person.

Where any used automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, motorcycles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his or her agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale shall be documented on forms approved by the Revenue Department.

Of the total \$.02 tax on each dollar of sale provided hereunder, 58 percent of the total tax generated by this subdivision (4) shall be deposited to the credit of the Education Trust Fund; and 42 percent of the total tax generated by this subdivision (4) shall be deposited to the credit of the State General Fund.

(5) Upon every person, firm, or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products, and substitutes therefor, there is levied a tax equal to

three percent of the cost of the food, food products, and beverages sold through the machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of the business."

"§40-23-61.

"(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of two percent of the sales price of such automotive vehicle, truck trailer, semitrailer or

house trailer, and mobile home set-up materials and supplies as specified above, or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the Department of Revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Of the total \$.02 tax on each dollar of sale provided hereunder, 58 percent of the total tax generated by this subsection shall be deposited to the credit of the Education Trust Fund; and 42 percent of the total tax generated by this subsection shall be deposited to the credit of the State General Fund.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of Section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use, or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsection (a), (b), or (c) of this section apply."

"§40-25-23.

"All revenues collected under the provisions of this article, except as otherwise provided, shall be paid to the Department of Revenue by check or draft made payable to the Treasurer of Alabama, and shall be distributed in the following manner:

(1) All of the revenue derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 shall be deposited in the State Treasury and shall be divided as follows:

a. Six and six one-hundredths percent to the credit of the state public welfare trust fund, which is hereby appropriated for general welfare purposes. In this section, "general welfare purposes" means:

1. The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

2. Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under Section 38-4-1;

3. Services to and on behalf of dependent, neglected, or delinquent children; and

4. Investigative and referral services to and on behalf of needy persons.

b. Nine and nine one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the State Treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the State Industrial Development Authority under the provisions of the following acts:

(i) Acts 1967, No. 231;

(ii) Acts 1971, No. 1420;

(iii) Acts 1973, No. 1039;

(iv) Acts 1975, No. 1217;

(v) Acts 1978, 2nd Ex. Sess., No. 99;

(vi) Acts 1981, No. 81-843;

(vii) Acts 1983, No. 83-925; and

(viii) Acts 1987, No. 87-550.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the State Treasury to be designated the "General and Mental Health Fund," and is hereby appropriated and shall be distributed as follows:

(i) Thirty-six percent of the said balance shall be expended by the State Health Officer, with the approval of the State Board of

Health, for salaries, other expenses and equipment purchases, incident to general health work;

(ii) Fifty-eight percent of the said balance shall be paid to the Department of Mental Health and Mental Retardation created in Chapter 50 of Subtitle 2 of Title 22, to be expended by the said department for such purposes as it may designate for the provision of mental health services; and

(iii) Six percent of said balance shall be paid to the Alabama Mental Health Board to be expended by said board for such purposes as it may designate for the provision of services to the mentally retarded.

c. Twelve and twelve one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purpose is hereby appropriated to the purpose of acquiring and constructing mental health facilities in the state, and to that end shall be used by the State Treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on whichever of the following may be issued:

(i) Any bonds of the state that may be issued for acquisition and construction of mental health facilities under Amendment 266 of the Constitution of Alabama; or

(ii) Any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of Acts 1988, Act No. 88-475.

2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the State Treasury, designated the "General and Mental Health Fund," and is hereby appropriated and shall be distributed as follows:

(i) Thirty percent of said balance shall be expended by the State Health Officer, with the approval of the State Board of Health, for salaries, other expenses, and equipment purchases incident to general health work; and

(ii) Seventy percent of the said balance shall be paid to the Department of Mental Health and Mental Retardation created in Chapter 50 of Subtitle 2 of Title 22, and shall be used by the said department for mental health purposes in the state.

d. Six and six one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

1. So much thereof as may be necessary for such purposes is hereby appropriated and shall be used by the State Treasurer to pay, at their respective maturities, the principal and interest that will

mature during the then current fiscal year on all bonds that may be issued by the State Parks Development Authority under the provisions of Acts 1967, No. 272, which provided for the creation of said authority and also provided for the submission of a constitutional amendment to authorize the issuance of general obligation bonds by said authority.

2. The balance thereafter remaining during each fiscal year shall be deposited into a special fund in the State Treasury to be designated the "State Parks Fund" and is hereby appropriated and shall be distributed as follows: Said fund may be expended by the State Director of Conservation at his discretion and with the approval of the Governor for salaries, other expenses, land acquisitions, equipment purchases, capital additions or improvements or other lawful expenses relating to the state division of parks, monuments and historical sites.

e. Sixty-six and sixty-seven one-hundredths percent to the credit of the General Fund.

(2) All of the revenue derived from the tax levied by Sections 40-25-2 and 40-25-41 upon tobacco products other than cigarettes shall be deposited in the State Treasury to the credit of the State General Fund."

"§40-23-108.

"The licensing official shall, after the deduction of the fee as provided in Section 40-23-107, remit the revenue collected hereunder to the Department of Revenue for deposit as follows:

Of the total two cents (\$.02) tax on each dollar of sale, 58% of the total tax generated shall be deposited to the credit of the Education Trust Fund; and 42% of the total tax generated shall be deposited to the credit of the State General Fund. Provided, however, of the total of those funds derived from the state sales and use taxes collected on motorboats, 50 percent shall be paid to the State General Fund and 50 percent to the Education Trust Fund."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. In the event a bill is enacted to substantially conform state income tax law to federal law relating to the determination of taxable income for corporations is enacted in the 1999 Second Special Session and in the event a Constitutional Amendment enacted in the 1999 Second Special Session to increase the income tax rate on corporations to 6.5% is ratified, this act shall become effective January 1, 2001.

Approved November 29, 1999

Time: 2:55 P.M.

Act No. 99-651

H. 25 – Reps. Gaston, Crigler, Dean,
Buskey, Kennedy, Greene,
Turner, Pringle and Mitchell

AN ACT

Relating to Mobile County; to authorize government officers to accept credit card payments for amounts due.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) For purposes of this act, the term “credit card” includes any credit card, charge card, or debit card issued by any bank, foreign lender, domestic lender, or credit card bank as defined in Section 5-20-3, Code of Alabama 1975.

(b) Notwithstanding any other provision of law to the contrary, any Mobile County elected official required or authorized to receive or collect any payments to state or county government may accept payment of the amount by credit card, as defined herein.

(c) This act shall be broadly construed to authorize acceptance of credit card payments by county elected officials including, but not limited to, the Mobile County Revenue Commissioner, the Mobile County License Commissioner, the Mobile County Judge of Probate, the Mobile County Commission, and the Sheriff of Mobile County. This act shall be broadly construed to authorize acceptance of credit card payments of all types of amounts payable, including, but not limited to, taxes, license and registration fees, fines, and penalties.

(d) The elected official responsible for the payment upon audit by the Examiners of Public Accounts shall decide whether to accept credit card payments for any type of payment. If credit card payments are accepted, the elected official may adopt reasonable policies, rules, or regulations not in conflict with this act governing the manner of acceptance of credit card payments. The elected official may enter into appropriate agreements with credit card processors or other appropriate parties as needed to facilitate the acceptance of credit card payments. The agreements may not provide for the acceptance of credit card payments at a discount from the face amount of the payments or for the payment of an administrative fee. Any agreement shall provide that it may be canceled at any time by the elected official, but the agreement may provide for a reasonable period of notice prior to cancellation.

(e) No person making any payment by credit card shall be relieved from liability for the underlying obligation except to the extent that the government realizes final payment of the underlying obligation in cash or the equivalent. If final payment is not made by the credit card processor or other guarantor of payment in the credit card transaction, the underlying obligation shall survive and the elected official shall retain all remedies for enforcement which

would have applied if the credit card transaction had not occurred. No contract may modify this provision.

(f) An elected official who accepts a credit card payment in accordance with this act and any applicable policies, rules, or regulations of county government shall not incur any personal liability for the final collection of the payments.

Section 2. This act shall become effectively immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:05 P.M.

Act No. 99-652

H. 49 – Rep. Dolbare

AN ACT

Relating to Washington County; providing for the county commission to reimburse the offices of judge of probate, revenue commissioner, and sheriff for monetary loss resulting from the official duties for errors or mistakes made in good faith, not to exceed a certain annual maximum per office; and providing that reimbursement payments be made from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission shall reimburse the offices of judge of probate, revenue commissioner, and sheriff from the general fund of the county, the amount of any monetary loss, not to exceed a total payment of two thousand five hundred dollars (\$2,500) per office, per annum, arising or caused by error if the mistake or omission was caused without the personal knowledge of the officer, including loss arising from acceptance of worthless or forged checks, drafts, money orders, or other written orders for money or its equivalent.

Section 2. It shall be the duty of the judge of probate, revenue commissioner, and sheriff to insure that the employees of the respective offices exercise due care in performing their required duties and make a diligent effort to correct the error, mistake, or omission. The respective officers shall make a good faith effort to collect the amount subject to potential loss immediately upon becoming aware of the potential loss.

Section 3. This act shall not apply to any deliberate misuse or misappropriation of funds by the judge of probate, revenue commissioner, and sheriff or by any official, any clerk, or any employee of their respective offices.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 2:08 P.M.

Act No. 99-653

H. 57 – Rep. Black (L)

AN ACT

Relating to Greene County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as the county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing that the substantive provisions of the act shall become effective on approval of the electors.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Greene County.

Section 2. The purpose of this act is to conserve revenue and promote the public convenience in the county by consolidating the office of tax assessor and the office of tax collector into one county office designated as the office of county revenue commissioner.

Section 3. At the expiration of the current term of office of the tax assessor and the office of the tax collector of the county, or if a vacancy occurs in either office, then immediately upon the occurrence of the vacancy, the office of county revenue commissioner shall be established. If the office of county revenue commissioner is established upon the occurrence of a vacancy in either the office of tax assessor or the office of tax collector, the tax assessor or the tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term of office for which he or she was elected. The county revenue commissioner shall be elected at the general election and every six years thereafter and shall serve for a term of office of six years.

Section 4. The county revenue commissioner shall perform all acts, duties, and functions required by law to be performed by the tax assessor and the tax collector of the county. The official acts of the employees of the county revenue commissioner shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 5. Before entering upon the duties of office, the county revenue commissioner shall take the oath of office prescribed by

Section 279 of the Constitution of Alabama of 1901, and execute a bond in a sum fixed by the county commission secured by a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond shall be paid out of the general fund of the county on a warrant of the county commission and shall be a preferred claim against the county.

Section 6. The county revenue commissioner shall receive the minimum salary provided by Section 40-6A-2 of the Code of Alabama 1975, payable in the manner prescribed by that section.

Section 7. The office of the tax assessor and the office of tax collector shall be abolished effective on the last day of the term to which they are elected, or on an earlier date as provided in this act if a vacancy occurs in either the office of tax assessor or tax collector.

Section 8. Sections 1 to 7, inclusive, of this act shall become operative only if approved by a majority of the qualified electors of Greene County who vote in an election to be held on the day designated by the Judge of Probate of Greene County. The notice of the election shall be given by the judge of probate, which notice shall be published once a week for three successive weeks before the day of the election, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county. The question shall be, "Do you favor the adoption of Act No.____, of the____ Session of the Alabama Legislature which provides for the abolition of the Office of Tax Assessor and the Office of Tax Collector of Greene County and the consolidation of the duties of those offices into the one office to be known as the County Revenue Commissioner of Greene County? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," Sections 1 to 7, inclusive, of this act shall become operative immediately. If the majority of the votes are "No," this act shall have no further effect. The Judge of Probate of Greene County shall certify the results of the election to the Secretary of State.

Section 9. If either the office of tax assessor or the office of tax collector becomes vacant before the expiration of the term of office and before the time of the election provided by this act the remaining officer shall serve in an acting capacity for the vacant office without additional compensation until the remaining provisions of this act become operative or have no further effect. If Sections 1 to 7, inclusive, of this act become operative, the remaining officer shall be the county revenue commissioner for the remainder of the term for which he or she was elected.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 2:09 P.M.

Act No. 99-654

H. 58 – Rep. Lindsey

AN ACT

Relating to Cherokee County; to provide for an additional expense allowance and salary for the coroner; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing October 1, 1999, the Coroner of Cherokee County shall be entitled to an additional expense allowance of four hundred dollars (\$400) per month, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable from the general fund of the county. The amount of this expense allowance shall be reduced by an amount equal to any other expense allowance or salary increase granted the Coroner of Cherokee County, after the effective date of this act.

Section 2. Beginning with the expiration of the term of the incumbent coroner, the salary for the coroner shall be increased by four hundred dollars (\$400) per month, payable from the general fund of the county and at that time Section 1 shall become null and void.

Section 3. This act shall be retroactive to October 1, 1999, upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 29, 1999

Time: 2:13 P.M.

Act No. 99-655

H. 47 – Reps. McMillan and Penry

AN ACT

Relating to Baldwin County; to further provide for branch offices of the judge of probate and revenue commissioner in Bay Minette, Foley, and Fairhope; to repeal Act 155 of the 1971 Third Special Session (Acts 1971, p. 4398), relating to branch offices of certain officials in the county; and to provide for retroactive date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply in Baldwin County.

Section 2. (a) In addition to the main courthouse in Bay Minette, the Legislature hereby authorizes the judge of probate and revenue commissioner to operate offices in the branch courthouses located in the cities of Foley and Fairhope year-round and an additional office in Bay Minette, removed from the main courthouse, at the county seat in Bay Minette year-round. The judge of probate and revenue commissioner shall employ a clerk and other personnel to perform all the functions that are performed at other offices. The offices shall remain open during the normal business hours set by the Baldwin County Commission.

(b) All documents for recordation shall be recorded in a timely manner at the main courthouse or at the branch courthouses where the documents are presented for recordation. Documents may be transmitted by the postal service, by hand delivery, electronically, or by other means.

(c) It is the intent of the Legislature that documents may not be routed or distributed from the original location where presented for recordation unless the document is transmitted or transported from the branch courthouse to the main courthouse for recordation.

Section 3. The Baldwin County Commission may authorize payment of expenses incurred at the additional offices located in Bay Minette, Fairhope, and Foley according to the budgetary process established by the commission.

Section 4. Act 155 of the 1971 Third Special Session (Acts 1971, p. 4398), is specifically repealed.

Section 5. The provisions of this act shall be retroactive to January 1, 1985.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 29, 1999

Time: 2:08 P.M.

Act No. 99-656

H. 60 – Rep. Thomas (E)

AN ACT

Relating to the Blount County Commission; to provide for the election of members of the county commission from single-member districts; and to provide for a referendum on this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective the next election of the Blount County Commission, the members of the Blount County Commission shall

be elected from single-member districts. Each member of the commission shall be a resident and qualified elector of the district he or she represents.

Section 2. Not later than January 1 of the year of the next election of the Blount County Commission, the Blount County Commission shall adopt a plan dividing the county into districts approximately equal population based on the immediately preceding federal decennial census. The variation between districts shall not exceed five percent plus or minus based on districts of equal population.

Section 3. The county commission shall reapportion the commission districts in accordance with the standard in Section 2 after each federal decennial census.

Section 4. The members of the Blount County Commission serving pursuant to this act shall serve full time.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become operative only if approved by a majority of the qualified electors of Blount County who vote in an election to be held on the day designated by the Judge of Probate of Blount County after a plan for the division of the county has been approved by the Blount County Commission. The notice of the election shall be given by the judge of probate, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election shall be held in conjunction with the next regularly scheduled state or local election to be held in the county. The question shall be, "Do you favor the adoption of Act No.____, of the _____ Session of the Alabama Legislature providing for the election of members of the county commission from single-member districts? Yes () No ()." The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. If a majority of the votes cast in the election are "Yes," this act shall become operative immediately. If the majority of the votes are "No," this act shall be repealed and shall have no further effect. The Judge of Probate of Blount County shall certify the results of the election to the Secretary of State.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved November 29, 1999

Time: 2:10 P.M.

Act No. 99-657

H. 72 – Rep. Galliher

AN ACT

Relating to Etowah County; to amend Act 81-1192, as further amended by Act 82-670 (Acts 1982, p. 104); to further provide for the uniform allowance and hazardous duty pay for the employees of the office of sheriff; and to retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act 81-1192, as further amended by Act 82-670 (Acts 1982, p. 104), are amended to read as follows:

“Section 1. In Etowah County, each employee of the office of the sheriff designated by the sheriff shall receive a uniform maintenance allowance in the amount of forty dollars (\$40) per month.

“Section 2. In addition to any other compensation provided by law, each employee who is engaged in hazardous duties shall be paid, upon certification of the sheriff to the county commission that the employee performs hazardous duties, the amount of sixty dollars (\$60) per month.”

Section 2. The provisions of this amendatory retroactive to October 1, 1996.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 2:11 P.M.

Act No. 99-658

H. 22 – Reps. McMillan and Penry

AN ACT

Relating to Baldwin County; to exempt all vessels and equipment thereon used by the owner thereof predominately in the business of commercial charter fishing vessels from any local ad valorem taxes levied by Baldwin County and any municipality within the county; to provide that to qualify for the exemption, 51 percent or more of the owner's earned income shall come from charter fishing revenue; and in connection therewith this bill may have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) All vessels and equipment thereon used by the owner thereof predominately in the business of commercial

charter fishing vessels are exempted from any local ad valorem taxes levied by Baldwin County and any municipality located within the county, including local school ad valorem taxes.

(b) Beginning October 1, 1998, to qualify for the exemption in this section, the owner shall derive 51 percent, or more, of his or her earned income from charter fishing revenues.

Section 2. The tax exemption granted in this act shall terminate the next tax year after a determination by the National Marine Fisheries Service that red snapper fish stocks are rebuilt to a 26 percent spawning potential ratio. The Commissioner of the Alabama Department of Revenue shall notify appropriate tax officials in Baldwin County when he or she receives a report of the determination by National Marine Fisheries Services and this act shall be repealed.

Section 3. This act shall become effective on October 1, following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:33 P.M.

Act No. 99-659

H. 69 – Reps. Vance, Boothe and Martin
AN ACT

To amend Sections 5-21-3 to 5-21-7, inclusive, 5-21-9, and 5-21-11, Code of Alabama 1975, relating to the Wallace Plan for Linked Deposits, to retroactively extend the termination date of the plan for linked deposits until September 30, 2003, to provide further for the eligible interest rate, to provide for the eligibility of certain agricultural and business operations, to provide further for the loan requirements and maximum amounts, and to prohibit the charging of handling charges or fees to the borrower for placing the loans in the linked deposit program.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5-21-3 to 5-21-7, inclusive, 5-21-9, and 5-21-11, Code of Alabama 1975, are amended to read as follows:

“§5-21-3.

“For purposes of this chapter, the following terms shall have the meaning hereinafter ascribed to them, unless the context clearly indicates otherwise:

“(1) **PLAN.** The Wallace Plan for Linked Deposits, created in Section 5-21-4.

“(2) **TREASURER.** The Treasurer for the State of Alabama.

"(3) LENDING INSTITUTION or ELIGIBLE LENDING INSTITUTION or LENDER. All state banks, savings and loan associations, and any other lending institutions of this state which are or shall become a depository of state funds, which agree to participate in a linked deposit plan.

"(4) LINKED DEPOSIT or LINKED DEPOSIT PLAN. An agreement between the Treasurer and an eligible lending institution whereby a deposit is placed with the institution at a rate of return two percent below the current market rate for such a deposit, provided the institution agrees to lend the equivalent value of the deposit to eligible agricultural and business operations at an interest rate two percent below the normal charge, as hereinafter provided.

"(5) ELIGIBLE AGRICULTURAL OPERATION. Any person, corporation, partnership, or other entity which is engaged in the production of agricultural, livestock, poultry, timber, dairy, or fruit or other horticultural products and which:

"a. Derives at least 70 percent of its gross income from such production;

"b. Operates exclusively in Alabama; and

"c. Has at the time its application is submitted debts equal to or greater than 25 percent of its assets.

"(6) ELIGIBLE BUSINESS OPERATION. Any person, proprietor, corporation, partnership, or other entity which:

"a. Is headquartered in Alabama;

"b. Is organized for profit;

"c. Maintains facilities exclusively in Alabama;

"d. Has no more than 150 employees at the time it applies for a loan under the plan;

"e. For loans of \$250,000 or less, demonstrates to the lending institution that for every \$15,000 loaned at least one job is sustained or created as a result of the loan;

"f. For loans of from \$250,000 to \$500,000, demonstrates to the lending institution that for each \$10,000 worth of loan proceeds approved, at least one new job is created within the state; and

"g. Has at the time its application is submitted debts equal to or greater than 35 percent of its assets.

"(7) EMERGENCY INTERIM DEPOSITS. Deposits discretionarily made by the Treasurer in support of loans made by eligible lending

institutions to persons, businesses, organizations, or local governments which have suffered loss, and which are located in areas in which property loss has occurred due to fire, flood, tornado, hurricane, or other act of God, or other natural or man-made disaster.

“§5-21-4.

“(a) The Wallace Plan for Linked and Emergency Interim Deposits, hereinafter referred to as “the plan” is created. The State Treasurer is authorized, effective October 1, 1999, and until September 30, 2003, to use up to 12 percent of the total amount of investment funds of the state portfolio for the plan as linked deposits for eligible loans or for emergency interim deposits, as herein defined, made at the Treasurer’s discretion.

“(b) The term of any emergency interim deposit shall not exceed one year, and the deposit shall be made at a rate of return two percent below the current market rate for such a deposit, as determined by the Treasurer, provided the institution agrees to lend the equivalent value of the deposit at a correspondingly reduced rate of interest.

“§5-21-5.

“(a) Pursuant to the plan, agricultural operations loans are limited to a maximum amount of one hundred thousand dollars (\$100,000). Such loans shall be limited to a term of one year or less and the linked deposit on which any such loan is based shall have the same maturity date as the loan. In addition, an agricultural operation must qualify as an eligible agricultural operation, as defined in Section 5-21-3 hereof, in order to be eligible for such a loan. An eligible agricultural operation may receive up to one hundred thousand dollars (\$100,000) per year in linked deposit loans over a period of four years.

“(b) Pursuant to the plan, the maximum amount for a business operation loan is five hundred thousand dollars (\$500,000). The linked deposit upon which any business operations loan is based shall not be for a term longer than two years. In the event that the lending institution and the borrower agree to a longer term for the loan, then the interest rate charged to the borrower for the term of the loan beyond the initial two-year period shall be agreed to by the lending institution and the borrower without restriction by this chapter. The proceeds of any such business loan may be used for either working capital or fixed asset financing.

“(c) In addition to the requirements of this section and to those requirements of Section 5-21-3(6), an eligible business operations loan borrower must demonstrate to the lender that an overall expected benefit of the loan is the creation or sustaining of at least

one job for every fifteen thousand dollars (\$15,000) of loan proceeds for loans up to two hundred fifty thousand dollars (\$250,000) and one job for every ten thousand dollars (\$10,000) from loans of two hundred fifty thousand dollars (\$250,000) to five hundred thousand dollars (\$500,000).

“§5-21-6.

“Lenders shall not be entitled to charge any fee or service charge to the borrower for placing the loan in the linked deposit program, other than fees charged in the normal course of business.

“§5-21-7.

“The Treasurer shall determine the rate, term, method, and date of payment due the State of Alabama on each linked deposit. The rate of interest on a one-year linked deposit shall be two percent below the current rate of the one-year treasury bill. The rate of interest on a two-year linked deposit shall be two percent below the rate of the most recent two-year treasury note. The lending institution sets the interest rate charged to the borrower, but the rate of interest charged on any linked deposit loan shall be two percent below the rate the lending institution would have charged the borrower had the linked deposit program not been used.

“§5-21-9.

“The Treasurer shall establish procedures and other requirements for participation in the plan, and shall provide simplified rules and loan application forms to the participating lending institutions for linked deposit loans. The forms shall reflect the specific requests for information required by this chapter for eligible agricultural and business loans, respectively. Upon completion of any application for a loan pursuant to the plan, the lender shall send the application to the Treasurer who shall either approve or reject the application in a timely manner. If approved, the Treasurer shall deposit funds with the lender when the proceeds are loaned and the deposits shall be secured in accordance with Section 41-14-35.

“§5-21-11.

“The provisions of this chapter shall become effective October 1, 1999; and shall terminate September 30, 2003, unless specifically continued by an act of the Legislature.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved November 29, 1999

Time: 2:11 P.M.

Act No. 99-660

H. 15 – Rep. Turner

AN ACT

To provide for a lifetime resident saltwater fishing license and to provide for issuance on a combination basis with certain other lifetime licenses; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature to provide for a lifetime resident saltwater fishing license and to deposit the funds from the license into the Alabama Marine Resources Endowment Fund.

Section 2. (a) Any person who is required by Section 9-11-53.1, Code of Alabama 1975, to purchase an annual resident saltwater fishing license, in lieu thereof, may purchase a lifetime resident saltwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying a license fee of two hundred fifty dollars (\$250), which shall include the cost of issuance. The fees collected pursuant to this subsection shall be credited to the Alabama Marine Resources Endowment Fund.

(b) In lieu of obtaining the licenses provided for in subsection (a) hereof and in subsection (b) of Section 9-11-65, Code of Alabama 1975, any person may purchase a combination lifetime resident freshwater and saltwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying a license fee of four hundred dollars (\$400), which shall include the cost of issuance. One hundred fifty dollars (\$150) of the fee shall be credited to the Alabama Game and Fish Endowment Fund, and two hundred fifty dollars (\$250) of the fee shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 of the Code of Alabama 1975, shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund.

(c) In lieu of obtaining the licenses provided for in subsections (a) and (b) hereof and in subsection (a) of Section 9-11-65, Code of Alabama 1975, any person may purchase a combination lifetime resident saltwater fishing and hunting license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying a license fee of five hundred fifty dollars (\$550), which shall include the cost of issuance. Three hundred dollars (\$300) of the fee shall be credited

to the Alabama Game and Fish Endowment Fund, and two hundred fifty dollars (\$250) of the fee shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 of the Code of Alabama 1975, shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund.

(d) In lieu of obtaining the license provided for in subsections (a), (b), and (c) hereof and in subsection (c) of Section 9-11-65, Code of Alabama 1975, any person may purchase a combination lifetime resident freshwater and saltwater fishing and hunting license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying a license fee of seven hundred dollars (\$700), which shall include the cost of issuance. Four hundred fifty dollars (\$450) of the fee shall be credited to the Alabama Game and Fish Endowment Fund, and two hundred fifty dollars (\$250) of the fee shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 of the Code of Alabama 1975, shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund.

Section 3. (a) There is created within the Marine Resources Fund, a special account to be known as the Alabama Marine Resources Endowment Fund. The assets of the fund shall consist of all of the following:

(1) The proceeds from the sale of the lifetime resident saltwater fishing license and two hundred fifty dollars (\$250) of the proceeds from the sale of the combination lifetime freshwater and saltwater fishing, combination lifetime saltwater fishing and hunting, and combination lifetime freshwater and saltwater fishing and hunting licenses, provided in subsections (a), (b), (c), and (d) of Section 2 of this act.

(2) The proceeds of any gifts, grants, and contributions to the state which are specifically designated for inclusion in the fund.

(3) Any other sources as may be specified by law.

(b) The fund shall be administered by the Alabama Marine Resources Endowment Fund Board of Trustees, which shall consist of the Director of Finance, the Secretary Treasurer of the State Employees' Retirement System, and the Commissioner of the Department of Conservation and Natural Resources. The board of trustees shall have the power and authority to invest and reinvest the assets of the fund within the guidelines, limitations, and restrictions that govern investment of the State Employees' Retirement Fund.

(c) The Alabama Marine Resources Endowment Fund is declared to be a special trust derived from a contractual relationship

between the state and the members of the public whose license fees or other contributions accrue to the fund. The following limitations and restrictions are placed on expenditures from the fund:

(1) Any limitations or restrictions specified by donors on the uses of the income derived from gifts, grants, and voluntary contributions shall be respected, but shall not be binding.

(2) Expenditures or disbursements shall not be made from the principal of the fund except as otherwise provided by law.

(d) The income derived annually from the Alabama Marine Resources Endowment Fund shall be credited to the Marine Resources Fund regular accounts and expended as provided by law.

Section 4. This act shall become effective one year following its passage and approval by the Governor, or one year following its otherwise becoming a law.

Approved November 29, 1999

Time: 2:31 P.M.

Act No. 99-661

H. 16 – Rep. Turner

AN ACT

To repeal Section 9-11-34, Code of Alabama 1975, requiring hunting and fishing licenses of different types to be printed on cards of distinctive and different colors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-11-34, Code of Alabama 1975, is repealed in its entirety.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:30 P.M.

Act No. 99-662

H. 46 – Rep. Hogan

AN ACT

To amend Section 34-24-165 of the Code of Alabama 1975, to further provide for the renewal of licenses to practice chiropractic, to provide for graduated late renewal penalties, and to specify that a licensee may continue to practice during the late renewal period.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-24-165 of the Code of Alabama 1975, is amended to read as follows:

“§34-24-165.

“(a) Every license to practice chiropractic shall be subject to renewal on September 30 of the year for which it is issued. Every person having a valid license may on or before September 30 renew the license for the ensuing year by the payment to the State Board of Chiropractic Examiners of a fee of not more than three hundred dollars (\$300), the exact amount to be fixed by rule of the board, adopted in accordance with the Alabama Administrative Procedure Act. The renewal shall be accompanied by satisfactory evidence that the person has completed during the preceding year a minimum of 18 hours of professional educational work approved by the board. The board may, for good and reasonable cause shown, waive the education requirement. The secretary-treasurer or the executive secretary of the board shall notify each licensee at least 30 days prior to September 30 of each year of the due date for renewal. In addition to the renewal fee, a late renewal penalty shall be assessed any licensee who fails to pay the renewal fee by September 30 of each year based on the following schedule:

(1) For renewal during the month of October, fifty dollars (\$50).

(2) For renewal during the month of November, one hundred dollars (\$100).

(3) For renewal during the month of December, two hundred and fifty dollars (\$250).

“A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to subsection (b).

“(b) Failure, by December 31 of each year, to renew a license and pay the renewal fee, late renewal penalty if applicable, and submit proof of completion of a minimum of 18 hours of approved professional educational work, unless waived, shall operate as a forfeiture of the right of the licensee to practice his or her profession in this state. A forfeited license may be reinstated by the board, in its discretion, upon payment of a reinstatement fee as required by Section 34-24-176, and all past fees due, including the highest late renewal penalty provided above. All funds received by the board for annual license renewal fees may be used by the board for education, promotion and welfare of the science of chiropractic.

“(c) Any licensee who is no longer in active practice may apply for retirement of his or her license by submitting an affidavit to that effect on a form supplied by the executive secretary. A licensee whose license is retired is excused from the professional

education requirement specified in this article. The annual fee for maintenance of a retired license shall be one-half of the amount required by this article for an active license. A retired licensee shall not be required to pay back fees and reinstatement fees required by this article. The board may require the retired licensee to enroll in and successfully complete a refresher course approved by the board at an accredited chiropractic college. The decision of the board as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

“(d) The State Board of Chiropractic Examiners shall make rules and regulations as necessary and proper for effectuating or enforcing this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:08 P.M.

Act No. 99-663

H. 73 – Rep. Black (M)

AN ACT

Relating to the 1983 Election Reform Act; amending Sections 17-24-2, 17-24-4, 17-24-5, and 17-24-9, Code of Alabama 1975, to provide further for the definitions, approval process, and implementation procedures for electronic vote counting systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 17-24-2, 17-24-4, 17-24-5, and 17-24-9, Code of Alabama 1975, are amended to read as follows:

“§17-24-2.

“For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

“(1) **ELECTRONIC VOTE COUNTING SYSTEM.** A system in which votes are recorded on an electronic ballot or on a paper ballot or on a ballot card by means of marking or by means of punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations.

“(2) **AUTOMATIC TABULATING EQUIPMENT.** Such term shall include any apparatus necessary to examine and count automatically

votes designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

“(3) **BALLOT.** Such term shall include ballot cards, ballot labels, lid paper ballots, and electronic ballots.

“(4) **BALLOT CARD.** A ballot which is voted by the process of punching or marking.

“(5) **BALLOT LABEL.** A card, paper, booklet, or other material which contains the names of the offices and candidates and statements of questions to be voted on.

“(6) **ELECTRONIC BALLOT.** A ballot which utilizes electronic media or computerized systems for presenting the names of the offices and candidates and statements of questions to be voted on and for recording votes.

“(7) **COMMITTEE.** The Alabama Electronic Voting Committee.

“§17-24-4.

“There is hereby created the Alabama Electronic Voting Committee which shall consist of five members. The committee shall consist of a representative appointed by the Secretary of State, a representative appointed by the Attorney General and one judge of probate appointed by the chief justice of the Supreme Court who shall serve without pay or reimbursement for expenses. Additionally, one member from the House of Representatives and one member from the Senate, to be appointed by the presiding officer of each house who shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The judge of probate shall be chairman. The committee shall meet at the call of the chair or any three members.

“§17-24-5.

“It shall be the duty of the committee to ensure the examination, and certification of electronic vote counting systems in the following manner:

“(1) By publicly examining all makes of electronic vote counting systems submitted and certifying whether such systems comply with the requirements of this section.

“(2) By inviting any vendor or company interested in selling an electronic vote counting system in Alabama to submit such equipment

for examination. The vote counting system shall be certified after a satisfactory evaluation and testing has been performed to determine that said equipment meets the requirements of this chapter and performance and test standards for electronic voting systems issued by the Federal Election Commission. The committee may at its discretion, use certification of the equipment by an authorized independent testing authority, or successor entity, as evidence that the equipment meets the requirements of Sections 17-24-3 and 17-24-5, where certification by the independent testing authority, or successor entity, is applicable. For the purpose of assisting in examining such system, the committee may employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, who may or may not be state employees and shall require from them a written report of their examination. The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the State Treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified. No member of the committee nor any examiner shall have any pecuniary interest in any voting equipment .

“(3) The committee shall approve only those electronic vote counting systems that are certified by an authorized independent testing authority, or successor entity, as meeting the performance and test standards for electronic voting systems issued by the Federal Election Commission.

“(4) After certification of any electronic vote counting system the Secretary of State shall make and maintain a report on the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state. Any electronic vote counting system that does not receive certification shall not be adopted or used at any election.

“(5) After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such change or improvement by any county. The committee shall re-examine the electronic vote counting system to the extent necessary to determine that it, as changed or improved, is in compliance with the requirements of this chapter. If the system, as changed or improved, is not in compliance, the committee shall suspend all sales of the equipment or system in the state until such equipment or system complies with the requirements of this chapter.

“(6) The adoption of an electronic vote counting system in which votes are recorded on an electronic ballot as authorized in this article is hereby validated. It is the legislative intent of this

subsection to declare that the use of electronic vote counting systems in which votes are recorded on an electronic ballot has, since the enactment of the Election Reform Act of 1983, been an acceptable method of electronic vote counting.

“§17-24-9.

“(a) Not more than 14 days prior to the election the officials charged with the responsibility of conducting the election shall have the electronic vote counting system tested to ascertain that the system will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by written public service announcement, notices to newspapers and radio and television stations in the county and by filing such notice with the Secretary of State. The election officials shall convene, and each shall certify to the accuracy of the test. The test shall be open to the public.

“(b) The test shall be conducted by processing a preaudited group of ballots so punched or marked or otherwise documented as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the electronic vote counting system to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the electronic vote counting system is approved. Such test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the election officials charged with the responsibility of conducting the election.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 2:12 P.M.

Act No. 99-664

H. 4 – Rep. Hooper

AN ACT

To amend Sections 40-16-4, 40-16-6, 40-18-16, 40-18-31, 40-18-32, 40-18-33, 40-18-34, and 40-18-35; to repeal Sections 40-18-31.1, 40-18-36, and 40-18-38 of the Code of Alabama, 1975; to revise Alabama corporate income tax law to conform to the federal corporate tax system and to increase the Financial Institution Excise Tax rate to 6.5% in the event a Constitutional Amendment increasing the corporate income tax rate to 6.5% is ratified and proclaimed by the Governor; and to provide

that the additional revenue generated by the Financial Institution Excise Tax rate increase will be distributed to the State General Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-16-4, 40-16-6, 40-18-16, 40-18-31, 40-18-32, 40-18-33, 40-18-34, and 40-18-35 are hereby amended as follows:

“40-16-4.

(a) (1) Every such financial institution engaging in any of the following businesses

(i) Banking;

(ii) Conducting the business of a financial institution as defined in this chapter;

(iii) Conducting a credit card business through the issuance of credit cards to Alabama residents or businesses; or

(iv) Conducting a business employing moneyed capital coming into competition with the business of national banks shall pay to the state annually for each taxable year an excise tax measured by its net income allocated and apportioned for the taxable year at the rate of six and one-half percent of the net income.

(2) For purposes of the excise tax imposed by this chapter, any financial institution which has income from business activity that is taxable both within and without this state shall allocate and apportion its net income as provided in regulations which shall be prescribed by the Department of Revenue and which shall be substantially the same as the allocation and apportionment formula for financial institutions recommended from time to time by the Multistate Tax Commission, provided that such regulations shall not conflict with any provision of this chapter. The Department of Revenue shall proceed expeditiously to adopt such regulations after the foregoing provisions of this subsection shall become law. Until such regulations are adopted and effective, the apportionment formula for financial institutions recommended by the Multistate Tax Commission shall be used to the extent not inconsistent with the provisions hereof.

(3) The amount of the excise tax shall not be in excess of any limit fixed thereon by any present or future federal statute relating to the taxation of national banks by this state. Under no circumstances will any dividends paid from a financial institution to the common parent corporation of a controlled group of corporations, as defined in Section 40-16-3, be subject to excise tax.

(b) The excise tax provided in this chapter shall be reported in the form to be prescribed by the Department of Revenue. The

amount shown to be due by the taxpayer's return shall constitute and create a prima facie liability for the amount on which taxes shall be paid. Where the Department of Revenue determines that the amount due is different from that shown by the taxpayer's return or where no return is filed, the department may determine the correct amount due pursuant to the procedures set forth in Chapter 2A of this title.

40-16-6.

(a) The remittance of the excise tax required shall be made to the Department of Revenue at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama.

(b) The proceeds of the excise tax herein imposed by this chapter shall be, without delay, deposited into the state treasury to the credit of the Financial Institution Excise Tax Fund. The amount of money appropriated for each fiscal year by the legislature to the Department of Revenue with which to pay the salaries, the cost of operation, and the management of the department shall be deducted, as a first charge, from the taxes collected pursuant to Section 40-16-4; provided, that the expenditure of money so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41 and limited only to the amount appropriated with which to defray the expenses of operating the department for each fiscal year.

(c) The excess of the tax levied by this chapter computed using a rate of six and one-half percent and the tax computed using a rate of six percent shall be deposited in the General Fund. The balance of the tax collected, after the payment of refunds, pursuant to Section 40-16-4, shall, on September 1 in each year, be distributed as follows: On certificate of the Department of Revenue the comptroller shall draw a warrant on the State Treasurer payable to the county treasurer of each of the counties in which the financial institutions are located for an amount equal to one fourth of the tax received from the institutions located in that county, after deducting the proportionate part of the expenses incurred in the administration of this chapter. On similar certificate the comptroller shall draw his a warrant on the State Treasurer in favor of the treasurer of each of the municipalities in which such the financial institutions are located for an amount equal to one half of the tax received from the institutions located in those municipalities, after deducting the proportionate part of the expenses incurred in the administration of this chapter. The amount remaining in the financial institution excise tax fund, after the payment of the expenses as heretofore in this chapter provided, and after the distribution to the counties and municipalities of their proportionate part of the tax, shall be deposited into the general fund of the State of Alabama.

(d) Any financial institution which conducts its business in more than one municipality or in more than one county in this state shall, in making the return required by this chapter, report in detail the percentage of its total business in the state conducted in each municipality and in such county, and the portions of tax paid by each such financial institution due to be distributed to the municipality and county shall be distributed pro rata according to the percentage reported to the municipalities and counties where a business is conducted instead of solely to the one where the principal place of business of a financial institution is located in this state.

(e) A financial institution that does not maintain an office in Alabama, but is subject to the tax imposed by Section 40-16-4, is deemed not to be located in any particular county or municipality of the State. Any taxes collected from that institution, after payment of refunds, and after deduction for a proportionate part of the expense incurred in the administration of this chapter, shall be deposited into the State General Fund on or before September 1 of each year.

(f) No municipality or county within the state may levy or assess any excise tax for the privilege of engaging in a business in addition to that levied and distributed to it as herein provided, except license taxes. However, license taxes on banks shall not be levied in excess of those which may be legally levied pursuant to Section 11-51-130, provided however, that the license authorized by subdivisions (1) to (12), inclusive, of subsection (a) of Section 11-51-130 may be levied only by the municipality where the bank has its principal place of business."

40-18-16. Depreciation.

(a) Basis for depreciation. - The basis upon which exhaustion, wear and tear, depreciation and obsolescence are to be allowed shall be such reasonable allowance as may be determined by the Department of Revenue on the adjusted basis provided in Section 40-18-6 for the purpose of determining the gain or loss upon sale or other disposition of such property.

(b) Basis for depletion.

(1) General rule. - The basis upon which depletion is to be allowed shall be such reasonable allowance as may be determined by the Department of Revenue on the adjusted basis provided in Section 40-18-6 for the purpose of determining the gain or loss upon the sale or other disposition of such property, except as provided in subdivision (2) of this subsection.

(2) Amount. - In the case of oil and gas wells, the allowance for depletion shall be 12 percent of the gross income from the property

during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect to the property. Such amounts shall not exceed 50 percent of the net income of the taxpayer, computed without allowance for depletion, from the property, except that in no case shall the depletion allowance be less than the amount allowable under federal income tax law. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and the lessee.

40-18-31. Corporate income tax; generally.

(a) A corporation subject to the tax imposed by Section 40-18-2 shall pay a tax equal to six and one-half percent of the taxable income of the corporation, as defined in this chapter.

(b) If the taxpayer elects to file an Alabama consolidated return under Section 40-18-39, the tax shall be assessed, collected, and paid annually for each taxable year at the rate specified in subsection (a), upon and with respect to the taxable income of the Alabama affiliated group.

40-18-32. Corporate income tax; exemptions.

With the exception of unrelated business taxable income determined in accordance with 26 U.S.C. § 512, the tax imposed by Section 40-18-31 shall not apply to the organizations referred to in 26 U.S.C. § 501(c), and the following entities:

(1) Farmers and other mutual hail, cyclone, or fire insurance companies, mutual ditch or irrigation companies or like organizations of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting expenses;

(2) Farmers, fruit growers, or like associations organized and operated as sales agents for the purpose of marketing the products of members and turning back the proceeds of sales, less the necessary selling expenses, on the basis of quantity of produce furnished by them;

(3) Federal land banks and national farm loan associations as provided in 12 U.S.C.A. § 2055;

(4) All national banks and national banking associations and all corporations engaged in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of national banks during and for the periods during which such national banks and corporations are subject to an excise tax imposed by this state on or with respect to their respective incomes; and

(5) Building and loan associations, substantially all the business of which is confined to making loans to members and insurance companies upon which the statutes of Alabama impose a tax upon their premium income.

(6) Counties, municipalities, municipal corporations, political subdivisions of the state, instrumentalities of counties, municipalities, municipal corporations, the State of Alabama, and corporations or associations owned solely by counties, municipalities or the State of Alabama.

40-18-33. Corporate income tax; taxable income.

In the case of a corporation subject to the tax imposed by Section 40-18-31, the term "taxable income" means federal taxable income without the benefit of federal net operating losses plus the additions prescribed and less the deductions and adjustments allowed by this chapter and as allocated and apportioned to Alabama.

40-18-34. Additions required by corporations.

The following items shall be added to federal taxable income for purposes of computing taxable income under this chapter:

(a) State and local income taxes that are deductible in computing federal taxable income.

(b) Interest on obligations of state or local governments other than Alabama that is excludable from gross income for federal income tax purposes.

(c) Refunds of federal income taxes deducted.

(d) Dividends received from a corporation in which the taxpayer owns less than 20% of the stock (by vote and value).

40-18-35 Deductions allowed to corporations.

(a) The following items shall be deducted from federal taxable income under this chapter:

(1) Refunds of state and local income taxes.

(2) Federal income tax paid or accrued during the taxpayer's taxable year.

(3) Interest income earned on obligations of the United States.

(4) Interest income earned on obligations of the State of Alabama or its subdivisions or instrumentalities thereof to the extent included in gross income for the purposes of federal income taxation or such obligations are issued to pay the cost of assets to which subsections (c) through (e) of Section 40-9B-7 apply.

(5) The amount of any aid or assistance, whether in the form of property, services or monies, provided to the State Industrial Development Authority pursuant to Section 41-10-44.8(d) in order to induce an approved company to undertake a major project within the state.

(6) Expenses otherwise deductible that were not deducted on the federal income tax return as a result of an election to claim a credit for those expenses.

(7) Dividend income, including amounts described in 26 U.S.C. §78 and 26 U.S.C. §951, with respect to which the taxpayer elected to claim a foreign tax credit rather than a deduction in determining federal taxable income; dividend income received from foreign sales corporations as defined in 26 U.S.C. 5922; and dividend income from foreign (non-U.S.) corporations to the same extent such dividend income would be deductible under 26 U.S.C. §243 if received from U.S. corporations, except for dividends received from a corporation in which the taxpayer owns less than 20% of the stock (by vote and value). The Department shall promulgate a regulation regarding the allowable amount of interest expense related to the production of nonbusiness income, which shall be based upon a formula using the average value of the corporation's assets producing nonbusiness income as compared to the average value of the corporation's total assets.

(8) The interest portion of rent paid under lease agreements entered into prior to December 31, 1994, relating to obligations issued by the State of Alabama or subdivisions or instrumentalities thereof, to the extent that such obligations are issued to pay the cost of assets to which subsections (c) through (e) of Section 40-9B-7 apply.

(b) The following credits shall be allowed against the tax levied by Section 40-18-31:

(1) the amount provided to an approved company pursuant to Section 41-10-44.8(a)(1), subject however, to the limitations contained in Section 41-10-44.8(c); and

(2) the amount provided in Section 41-10-44.9 to an approved company for a payment by such company into a tax increment fund.

Section 2. The Department of Revenue shall have the authority to promulgate rules and regulations to transition the provisions of this act, including but not limited to net operating losses attributable to Alabama.

Section 3. In addition to all other appropriations heretofore or hereinafter made, there is hereby appropriated to the Department of Revenue for the fiscal year ending September 30, 2000, such amount as is reasonably required to offset its conversion

costs as a first charge against the revenues from the tax levied by this act. For all subsequent years, there shall be appropriated to the Department of Revenue as a first charge against the revenues from the tax levied by this act an amount that will offset its actual costs in the administration and regulation of this tax.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed and specifically repealed are Sections 40-18-31.1, 40-18-36, and 40-18-38, of the Code of Alabama, 1975.

Section 6. The provisions of this act shall become effective for all taxable years beginning after December 31, 2000, if the constitutional amendment proposed by House Bill 3 of the 1999 Second Special Session is ratified by the qualified electors of the State and proclaimed by the Governor as provided in Sections 284 and 285 of the Constitution of Alabama of 1901.

Section 7.

Approved November 29, 1999

Time: 2:50 P.M.

Act No. 99-665

H. 1 – Rep. Knight

AN ACT

To provide for the Alabama Business Privilege and Corporate Shares Tax Act of 1999 by providing for a tax on the net worth of corporations, limited liability entities, and disregarded entities which shall replace the domestic and foreign franchise tax declared unconstitutional by the United State Supreme Court and by providing for a new statewide shares tax, also levied on net worth and by repealing the former domestic shares tax; to provide for an increase in the corporation income tax from 5% to 6.5% if a constitutional amendment authorizing such is passed at which time the statewide shares tax will be repealed; to provide for an increase in the financial institutions excise tax from 6% to 6.5%, also contingent upon the adoption of the constitutional amendment raising the corporate income tax; to repeal Sections 40-14-1 to 40-14-4, inclusive, 40-5-16, 40-21-29, 40-11-1(b)(9), 40-14-21 to 40-14-23, inclusive, 40-14-42 to 40-14-58, inclusive, 40-14-70 to 40-14-74, inclusive, and 40-24-1 through 40-24-8, inclusive, Code of Alabama 1975; to render ineffective after December 31, 1999, Sections 40-14-40 and 40-14-41, Code of Alabama 1975; to amend Sections 27-4A-3, 40-1-3, 40-16-4, 40-16-6, 40-16-8, 10-2B-15.02 and 10-2B-16.22, Code of Alabama 1975; and to provide transition rules in the event a Constitutional Amendment increasing the corporate income tax rate is ratified and proclaimed by the Governor and a bill transferring proceeds of certain taxes from the Education Trust Fund to the State General Fund is enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature by this act to comply with Alabama Constitution §§ 229 and 232 as recently interpreted by the Alabama Supreme Court. This act is passed pursuant to those sections and the general taxation powers of the Legislature. It is further the intent of the Legislature to levy the tax in Section 2 hereof, as directed by the Court based on the “assets or valuation of the corporation as a business enterprise using substantially equivalent tax bases for foreign and domestic corporations,” and without applying a higher rate of tax on foreign corporations than is applied on domestic corporations. It is the intent of the Legislature to provide equitable and uniform taxation of foreign and domestic corporations, limited liability entities, and disregarded entities, by levying a tax for the privilege of being organized under the laws of Alabama or doing business in Alabama. It is the intent of the Legislature that such tax shall be levied on all corporations, limited liability entities, and disregarded entities based upon the amount of their net worth in this state. It is further the intent of the Legislature to provide equitable and uniform taxation of foreign and domestic corporations by levying a uniform shares tax for the privilege of being organized under the laws of Alabama or doing business in Alabama. The Legislature further finds that the maximum privilege tax to be paid by financial institutions, utilities, and insurance companies results in equalization with other types of corporations because the financial institutions, utilities, and insurance companies are not subject to the shares tax.

Section 2. A new Chapter 14A is added to Title 40 to read as follows:

Article 1. General Provisions.

40-14A-1. For purposes of this chapter, the following terms shall mean.

(a) Alabama S Corporation. An S corporation defined under Section 40-18-160.

(b) C Corporation. A corporation other than an Alabama S corporation.

(c) Code. The Internal Revenue Code of 1986, as amended from time to time.

(d) Corporation. An entity through which business can be conducted while offering limited liability to the owners of the entity with respect to some or all of the obligations of the entity, other than limited liability entities, and disregarded entities, including but not limited to the following: corporations, professional corporations, joint stock companies, unincorporated professional associa-

tions, real estate investment trusts, and all associations classified as corporations for federal income tax purposes. The term corporation shall not include any county, municipal corporation, political subdivision of the state, governmental corporation, instrumentality or agency of any county, municipality, municipal corporation, or the state of Alabama, or any corporation or association owned solely by counties, municipalities, or the state of Alabama. Nor shall the term include any organization described in 26 U.S.C. §501 (a) (relating to tax-exempt organizations, which includes but is not limited to corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious purposes), any homeowners association, any political party, or any agricultural cooperative.

(e) Department. The Department of Revenue created by chapter 2 of this title.

(f) Determination period. The taxpayer's taxable year, next preceding or, if different, the fiscal year next preceding the taxpayer's current taxable year.

(g) Disregarded entity. A limited liability entity that is disregarded for purposes of federal income tax or a qualified subchapter S subsidiary, as defined in 26 U.S.C. § 1361.

(h) Electing family limited liability entity. A limited liability entity (1) in which 80 percent or more of the profits and capital interests are owned by members of a family as defined in 26 U.S.C. §267(c)(4), the spouses of lineal descendants, and trust for the benefit of such family members and their spouses, (2) that elects annually to be taxed as a family limited liability entity in a manner prescribed by the Department of Revenue, and (3) 90 percent or more of the assets of which are used in a passive activity as defined in 26 U.S.C. §469 (c) or produce income described in 26 U.S.C. §469(e)(1).

(h) Federal income tax. The income tax imposed by the Code, as amended from time to time.

(i) Fiscal year. The annual period used by a taxpayer to determine its federal income tax or report its financial results.

(j) Limited liability entity. Any entity, other than a corporation, organized under the laws of this or any other jurisdiction through which business may be conducted while offering limited liability to the owners of the entity with respect to some or all of the obligations of the entity and which is taxable under subchapter K of the Code, including, without limitation, limited liability companies, registered limited liability partnerships, and limited partnerships.

(k) **Related party.** Any member of a controlled group of corporations as defined in 26 U.S.C. §1563, or a limited liability entity that would be a member of a controlled group if rules similar to those of 26 U.S.C. §1563 were applied to limited liability entities.

(l) **Taxable income.** In the case of a C corporation, the amount of its federal taxable income. In the case of an Alabama S corporation, the amount taken into account by its owners pursuant to 26 U.S.C. §1366. In the case of a limited liability entity, the amounts taken into account by its owners pursuant to 26 U.S.C. §702. In the case of a real estate investment trust, the real estate investment trust taxable income determined pursuant to 26 U.S.C. §857. In the case of a disregarded entity, the amount taken into account by its owners pursuant to 26 U.S.C. §1366 or §702. In each case, taxable income of the entity subject to tax shall mean the taxable income for the determination period. In each case, taxable income shall be apportioned and allocated to Alabama in accordance with Chapter 18 of this title or in the case of a financial institution, Chapter 16 of this title, or in accordance with Title 27 relating to insurance companies.

(m) **Taxable year.** The taxable year for which the tax levied by this chapter is being determined.

(n) **Taxpayer.** A corporation, limited liability entity, or disregarded entity, subject to a tax levied by this chapter.

(o) **U.S.C.** The United States Code, as amended from time to time.

40-14A-2. Operating Rules.

(a) The taxpayer's net worth shall be determined for purposes of the taxes levied by this chapter in accordance with the accounting principles used in preparing the taxpayer's financial statements reported to its owners. If the taxpayer's financial statements are not prepared in accordance with generally accepted accounting principles, then net worth for such purposes shall be determined either on the same basis as it prepares its federal income tax return or as required by the appropriate regulatory agencies having jurisdiction. However, in the case of a taxpayer that is an insurer holding a certificate of authority to conduct an insurance business within the State of Alabama, net worth for such purposes shall be computed on the same basis as its financial statements are prepared in accordance with the requirements of the State of Alabama Insurance Department.

(b) Net worth may be determined from the taxpayer's financial statements for its determination period if those financial statements reasonably reflect the financial condition of the taxpayer as of the January 1 following the determination period.

Article 2. Privilege Tax.

40-14A-21.

This chapter shall be known and may be cited as the "Alabama Business Privilege and Corporate Shares Tax Act of 1999."

40-14A-22.

(a) Levy of tax. There is hereby levied an annual privilege tax on every corporation, limited liability entity, and disregarded entity doing business in Alabama or organized under the laws of Alabama. The tax shall accrue as of January 1 of every taxable year, or in the case of a taxpayer organized during the year, qualifying during the year, or doing business in Alabama for the first time, as of the date of organization, qualification or the date the taxpayer begins to do business in Alabama, as the case may be. The taxpayer shall be liable for the tax levied by this subsection for each year beginning before the taxpayer has been dissolved or otherwise ceased to exist or has withdrawn or forfeited its qualification to do business in Alabama. The amount of the tax due shall be determined by multiplying the taxpayer's net worth in Alabama by the rate determined in subsection (b).

(b) Rate of tax. For all taxable years of taxpayers that begin after December 31, 1999, the rate of tax shall be as set forth below.

If taxable income of the tax payer is:

at least	but less than	The tax rate shall be
	\$1	\$0.25 per \$1,000
\$1	\$200,000	\$1.00 per \$1,000
\$200,000	\$500,000	\$1.25 per \$1,000
\$500,000	\$2,500,000	\$1.50 per \$1,000
\$2, 500, 000		\$1.75 per \$1,000

(c) Minimum tax. In no event shall the privilege tax levied by this article less than \$100.

(d) Maximum tax.

(1) Except as provided in subdivision (2), the privilege tax levied by this article shall not exceed \$15,250 for any taxpayer for the taxable year beginning January 1, 2000. For each taxable year thereafter, the maximum tax shall not exceed \$15,000 for any taxpayer, except as provided in subdivision (2).

(2) With respect to any (i) financial institution, as defined in section 40-16-1, that is subject to the provisions of chapter 16 of this title; (ii) insurance company that is subject to the premium taxes levied by chapter 4A of title 27; and (iii) corporation, company or association whose property is assessed for taxation pursuant to the provisions of chapter 21 of this title unless such corporation has no obligation to serve the general public, the privilege tax levied by this article shall not exceed \$3,000,000, for any taxpayer each year except as provided in subsection (e). With respect to any real estate investment trust as defined in Chapter 13 of Title 10, the privilege tax levied by this article shall not exceed \$500,000, for any taxpayer each year except as provided in subsection (e). The privilege tax levied by this article on any electing family limited liability entity shall be \$500.

(e) Short taxable years. If any taxpayer's first taxable year is less than twelve months because the taxpayer is organized within the taxable year, or if any foreign corporation or foreign limited liability entity qualifies to do business in this state within the taxable year, the amount of the tax levied by this article shall be determined in the manner specified in this article but apportioned to the short taxable year in same proportion as the number of days in the short taxable year bears to 365, but in no event less than \$100 nor more than the applicable amount specified in subsection (d).

40-14A-23 Definition of net worth.

(a) Net worth of corporation. The net worth of a corporation shall equal the aggregate net amount of the following items determined as of the first day of the corporation's taxable year and adjusted as required in this article:

(1) The outstanding capital stock and any additional paid-in capital, but without reduction for treasury stock; and

(2) Retained earnings, but not less than zero, which shall include any amounts designated for the payment of dividends until the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

(b) Net worth of limited liability entities. The net worth of a limited liability entity shall be an amount equal to the sum, but not less than zero, of the capital accounts of the owners of the limited liability entity determined as of the first day of the taxable year of the entity and as further adjusted pursuant to this article.

(c) The net worth of a disregarded entity shall be zero, and instead all the items that would enter into determining its net worth shall be taken into account in determining the net worth of its owner; provided, however, that if the owner of the disregarded

entity is an individual, general partnership, or other entity not subject to this tax, the net worth of the disregarded entity shall be equal to the assets minus the liabilities of the disregarded entity.

(d) Net worth of business trusts classified as corporations. The net worth of a business trust classified as an association taxable as a corporation for federal income tax purposes shall be equal to the assets minus the liabilities of the business trust

(e) Additions to net worth.

(1) Additions to net worth may be positive amounts only.

(2) Net worth to include related-party debt in certain situations.

a. If a taxpayer is indebted to related parties in an amount that exceeds the net worth of the taxpayer determined under subsections (a), (b), or (c), then the amount of the excess shall be included in the net worth of the taxpayer.

b. For purposes of this subsection, the terms “debt,” “indebted,” and “indebtedness” shall not include trade debt, accounts payable, or deposit liabilities to related parties that are doing business in Alabama.

(f) There shall be added to net worth, as determined above, compensation and distributions paid or accrued in certain situations.

(1) Corporations other than Alabama S corporations.

a. For a C corporation, net worth shall include compensation or similar amounts paid or accrued to a direct or indirect shareholder if such shareholder owns at least a 5% capital, profits, or voting interest in such corporation, to the extent such amount exceeds \$500,000 with respect to each shareholder in the immediately preceding determination period. The rules of 26 U.S.C. §267 (c) shall apply in determining whether an individual is a direct or indirect shareholder who owns at least a 5% capital, profits, or voting interest in such corporation.

b. All compensation or similar amounts paid or accrued to shareholders described in paragraph a. shall be aggregated if such shareholders are members of the same family as described in 26 U.S.C. §267(b)(1), unless the shareholders are 21 years of age or older and materially participate in the business

c. Compensation or similar amounts paid or accrued to a person not described in paragraphs a. and b. shall be included in such aggregate amount if such person is related to any of the shareholders described in paragraphs a. and b., in accordance with the rules

of 26 U.S.C. §267(b)(1), unless the shareholders are 21 years of age or older and materially participate in the business.

(2) Alabama S Corporations.

a. For an Alabama S corporation, add to the above net worth the sum of compensation, distributions or similar amounts paid or accrued to a direct or indirect shareholder if such shareholder owns at least a 5% capital, profits, or voting interest in the corporation, to the extent such amounts exceed \$500,000 with respect to each shareholder in the immediately preceding determination period. The rules of 26 U.S.C. §267 (c) shall apply in determining whether an individual is a direct or indirect shareholder who owns at least a 5% capital, profits, or voting interest in the corporation.

b. All compensation, distributions, or similar amounts paid or accrued to shareholders described in paragraph a. shall be aggregated if such shareholders are members of the same family as described in 26 U.S.C. §267(b)(1), unless the shareholders are 21 years of age or older and materially participate in the business

c. Compensation or other similar amounts and distributions paid or accrued to a person not described in paragraphs a. and b. shall be included in such aggregate amount if such person is related to any of the shareholders described in paragraphs a. and b., in accordance with the rules of 26 U. S C §267(b)(1), unless the shareholders are 21 years of age or older and materially participate in the business.

(3) Limited liability entities.

a. For a limited liability entity, net worth shall include compensation, distributions or similar amounts paid or accrued to each direct or indirect partner or member to the extent such amounts exceed \$500,000 with respect to each partner or member in the immediately preceding determination period. In determining whether an individual is an indirect partner or member, the principles of 26 U.S.C §267 (c) shall apply.

b. All compensation, distributions, or similar amounts paid or accrued to partners or members described in paragraph a. shall be aggregated if such partners or members are members of the same family as described in 26 U.S.C. §267(b) (1), unless the partners or members are 21 years of age or older and materially participate in the business.

c. Compensation, distributions, or other similar amounts paid or accrued to a person not described in paragraphs a. and b. shall be included in such aggregate amount if such person is related to any of the partners or members described in the paragraphs a. and b., in accordance with the rules of 26 U.S.C. §267(b)(1), unless the partners or members are 21 years of age or older and materially participate in the business.

(4) Disregarded Entities.

a. For a disregarded entity, net worth shall include compensation, distributions, or similar amounts paid or accrued to a direct or indirect owner for personal services to the extent such amount exceeds \$500,000 in the immediately preceding determination period. In determining whether an individual is an indirect owner, the principles of 26 U.S.C. §267 (c) shall apply

b. All compensation, distributions, or similar amounts paid or accrued to owners described in paragraph a. shall be aggregated if such owners are members of the same family as described in 26 U.S.C. §267(b)(1), unless the owners or indirect owners are 21 years of age or older and materially participate in the business.

c. Compensation, distributions, or similar amounts paid or accrued to persons not described in paragraphs a. and b. shall be included in such aggregate amount if such person is related to any of the owners described in paragraphs a. and b., in accordance with the rules of 26 U.S.C. §267(b)(1), unless the owners or indirect owners are 21 years of age or older and materially participate in the business.

(g) From the sum of the items and additions to net worth determined in subsections (a) through (f) of this section, the following items shall be subtracted:

(1) The book value of the investment by the taxpayer in the equity of other taxpayers doing business in Alabama. This subdivision shall not apply if the taxpayer is a dealer in securities subject to 26 U.S.C. §1236.

(2) In the case of financial institutions, there also shall be excluded from the amount of net worth determined in subsection (a) the investment by the taxpayer in the capital of any other corporation or limited liability entity that is not doing business in Alabama if the taxpayer owns more than 50 percent of the outstanding capital stock of the other corporation or more the 50 percent of the capital and profits interest of the limited liability entity, unless the other corporation or limited liability entity is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. §1563 if a 50 percent ownership requirement were applied in lieu of the 80 percent ownership requirement in 26 U.S.C. §1563.

(3) The unamortized portion of goodwill and core deposit intangibles appearing on the taxpayer's balance sheet by reason of a direct purchase of another corporation or limited liability entity.

(4) The unamortized balance of any amount that the taxpayer properly elected, pursuant to pronouncements of the Financial Accounting Standards Board or any equivalent successor authority, to amortize over a period of years rather than immediately charging such amount to earnings.

(5) In the case of a financial institution, the amount of net worth as adjusted pursuant to this section that exceeds six percent of assets.

40-14A-24. Net worth in Alabama.

(a) A taxpayer's net worth in Alabama shall be determined by apportioning the taxpayer's net worth computed under section 40-14A-23 in the same manner as prescribed for apportioning income during the determination period for purposes of the income tax levied by Chapter 18 of this title or for the purposes of the financial institution excise tax levied by Chapter 16 of this title; provided however, that the net worth of insurers subject to the insurance premium tax levied by Chapter 4A of Title 27 shall be apportioned on the basis of the ratio of the insurer's Alabama premium income to its nationwide total direct premiums as reflected on schedule T of the insurer's annual statement filed with the commissioner of insurance for the then immediately preceding calendar year.

(b) There shall be deducted from the amount of net worth in Alabama as determined in accordance with subsection (a) of this section:

(1) The net amount invested by the taxpayer in any bond or other security issued by the State of Alabama, or any county, municipality or other political subdivision of the State of Alabama, or any public corporation, agency or instrumentality of the foregoing before January 1, 2000, but only until the year in which occurs the earlier of the final stated maturity thereof or the date on which the principal of the bond or other security shall be called for optional redemption prior to the final maturity thereof. This subdivision shall not apply if the taxpayer is a dealer in securities subject to the rules of 26 U.S.C. §1236.

(2) The net amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components or materials for use therein, that are located in Alabama and are acquired or constructed primarily for the control, reduction, or elimination of air, ground, or water pollution or radiological hazards where such pollution or radiological hazards result from or would be caused by the taxpayer's activities in Alabama.

(3) The net amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and

components including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on an aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by certified or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this subdivision (3), the words "hub operation within this state" shall be construed to have all of the following criteria:

a. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

b. Passengers or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

(4) During the period beginning December 1, 1997, and ending on the date twenty years thereafter, the amount invested in all new and existing manufacturing facilities in this state by the taxpayer, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory in this state, provided that the taxpayer has met the criteria in paragraph a. below, and, in addition, has met the criteria in paragraph b. below:

a. The taxpayer must, not later than December 31, 2000, file with the Department a statement of intent to claim the deduction provided under this section. This statement of intent shall contain any information required by the Department.

b. During the period commencing with December 1, 1997, and ending on the date six years thereafter, the amount of new investment in all new and existing manufacturing facilities in this state by the taxpayer and, in addition, the number of new employees at all new and existing manufacturing facilities in this state shall meet or exceed the limits described in one of the following brackets:

Amount Invested	Number of New Employees
Not less than \$1,000,000,000	Not less than 500
Not less than \$900,000,000	Not less than 600
Not less than \$800,000,000	Not less than 700
Not less than \$700,000,000	Not less than 800
Not less than \$600,000,000	Not less than 900
Not less \$100,000,000	Not less than 1,000

No deduction shall be available under this paragraph (4) until the criteria defined in subparagraph a. above, and, in addition, subparagraph b. above have been met. The deduction available under this paragraph (4) shall only be available during those years within the 20 years after December 1, 1997, in which the taxpayer maintains the criteria defined in subparagraph b. above.

(5) The amount invested by the taxpayer in the purchase of an existing manufacturing facility in this state, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory on or after January 1, 1998, and during the period for 20 years thereafter, provided that the taxpayer has met the criteria in paragraphs a., b., and c.

a. The taxpayer must, within six months of February 19, 1998, file with the Department a statement of intent to claim the deduction provided pursuant to this subdivision (5). The statement of intent shall contain any information required by the Department.

b. At the time of purchase, the existing manufacturing facility must have at least 1,000 employees, which employment level must be maintained during the period 20 years after the date of acquisition by the taxpayer.

c. At the time of purchase, the existing manufacturing facility must produce aluminum alloy can stock.

(6) The balance of any reserve, account, or trust reasonably determined to satisfy any liability that is imposed by federal, state, or local government laws or regulations for reclamation, storage, disposal, decontamination, retirement, or other related costs associated with a plant, facility, mine, or site in Alabama.

(7) The book value of any residential real estate project in Alabama that qualifies for federal or state income tax credits, loans, or grants on the grounds that it provides housing for low-income individuals.

(8) In the case of an Alabama S corporation, 30 percent of the corporation's taxable income.

(9) In the case of a limited liability entity or a disregarded entity, 30 percent of its taxable income provided that the adjustment provided in this sentence shall not apply if the shares tax levied by article 3 of this chapter is in effect.

(c) Nothing in this section shall be construed to allow any item to be deducted twice or to allow a deduction for any item that is excluded from net worth.

(a) Every taxpayer shall file a return with the Department for every taxable year for which it is subject to the tax levied by this chapter. A disregarded entity that is owned by an individual, general partnership, or other entity not subject to the tax levied by this article shall file a return and pay the tax levied on it by this article. The return is due not later than March 15 of the taxable year or, in the case of a taxpayer not in existence or not doing business in Alabama on January 1 of the taxable year, two and one-half months after the taxpayer comes into existence or commences doing business in Alabama, as the case may be. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of taxpayers, those receivers, trustees, or assignees shall file returns for the taxpayers in the same manner and form as the taxpayers are required to file returns. Any tax due on the basis of returns filed by receivers, trustees, or assignees shall be collected in the same manner as if collected from the taxpayers for whose business or property they have custody and control. The Department may grant a reasonable extension of time for filing returns under rules and regulations prescribed by the Department. No extension shall be for more than six months.

(b) The tax provided in this chapter shall be reported on forms and in the manner as prescribed by the Department. The failure to receive a form from the Department shall not relieve a taxpayer from liability for any tax penalty or interest otherwise due. The tax due, as reported, shall constitute an admitted liability for that amount. The Department may compute and assess additional tax, penalty, and interest against a taxpayer as provided in chapter 2A of this title. Interest on overpayments of franchise tax will be computed and paid in the manner provided in Section 40-1-44(b)(1)b.

(c) A corporation that is a member of an Alabama affiliated group that has elected to file a consolidated return pursuant to Section 40-18-39(b) or Section 40-16-3(b), if it is subject to the tax imposed by this article, shall file a separate return reporting and paying tax on its net worth without regard to other members of the affiliated group.

40-14A-26.

The tax levied by this article shall be due at the same time the return is due. Remittance of the tax levied by this article shall be made to the Department at Montgomery, Alabama, for deposit to the State Treasurer of Alabama. In addition to all other appropriations heretofore or hereinafter made, there is hereby appropriated to the Department for the fiscal year ending September 30, 2000, such amount as is reasonably required to offset its conversion costs as a first charge against the revenues from the tax levied by this article. For all subsequent years, there shall be appropriated to the

Department as a first charge against the revenues from the tax levied by this article an amount that will offset its actual costs in the administration and regulation of this tax. The balance of the tax collected shall be distributed as follows:

(a) For the fiscal year beginning October 1, 1999 and each fiscal year thereafter, each county shall receive an amount that would have been distributed to each county prior to the repayments required by settlement of litigation regarding audits conducted by the Alabama Department of Revenue from the franchise tax distributed under former Section 40-14-43 during the fiscal year ending September 30, 1999. Beginning with the fiscal year ending September 30, 2000, and for each fiscal year thereafter, each county's distribution shall be increased by three-quarters of one percent of the amount received by each county in the preceding year.

(b) For the fiscal year beginning October 1, 1999 and each fiscal year thereafter, each county and each tax recipient agency or fund within the county shall receive an amount equal to the amount it received from the shares tax assessed under the procedures of former Article 4 of Chapter 14 of this title with respect to the fiscal year ending September 30, 1999. Beginning with the fiscal year ending September 30, 2000, and for each fiscal year thereafter, each county's and recipient agency's or fund's distribution shall be increased by three-quarters of one percent on the amount received by each entity in the preceding year.

(c) The balance remaining after the distributions in (a) and (b) above shall be deposited into the State General Fund.

40-14A-27.

Whenever a corporation or a limited liability entity organized under the laws of this state is dissolved, terminated, liquidated, or otherwise wound-up, by an agreement or notice of the stockholders or owners of the limited liability entity filed in the office of the probate judge of the county wherein the corporation or limited liability entity was organized, the probate judge shall at once give notice to the Department and secretary of state of such dissolution event, with the name of the taxpayer, the amount of its net worth, and the date of dissolution, termination, liquidation, or other winding-up. When a dissolution of a corporation or limited liability entity organized under the laws of this state takes place by judgment of a court, upon the filing of a complaint under the laws of this state by the creditors, stockholders, the owners of the limited liability entity, or others, the clerk of the court shall at once notify the Department and secretary of state of such dissolution, termination, liquidation, or other winding up. In any case where petitions are

filed in any court by the creditors, stockholders, owners of the limited liability entity, or others for the dissolution, termination, liquidation, or other winding-up of the entity in case of insolvency of the taxpayer, the clerk of the court shall give notice of the civil action to the Department so that the Department may file a petition in the case in the court for the purpose of collecting any unpaid privilege tax owing by the taxpayer.

40-14A-28.

The payment of the tax levied by this chapter shall not exempt any taxpayer from the payment of any regular license or privilege tax required by law for engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations.

40-14A-29. Submission of initial tax and report.

(a) By domestic entities. Each corporation, limited liability entity, and disregarded entity organized under the laws of Alabama shall within two and one-half months after its organization file with the Department an initial report setting out its name, address, and the name and address of its agent for service of process and a return including payment of the tax levied by this chapter for the year of its organization. The report and return required by this section shall be made on forms prescribed by the Department.

(b) By foreign entities. Every corporation, limited liability entity, and disregarded entity organized under the laws of a jurisdiction other than Alabama shall, within two and one-half months after qualifying to do business in Alabama, file with the Department an initial report setting forth its name and address, its principal place of business where organized, its principal place of business in Alabama, and the name and address of its agent for service of process and a return including payment of the tax levied by this chapter for the first year of the taxpayer's qualification to do business in Alabama. The report and return required by this section shall be made on forms prescribed by the Department.

Article 3. Shares Tax.

40-14A-31. Levy of tax. (a) There is hereby levied an annual shares tax on all corporations organized under the laws of Alabama or doing business in Alabama unless otherwise exempted in this article; provided that all assets and other items of a disregarded entity shall be taken into account in determining the shares tax base of its owner and the disregarded entity shall not be subject to the tax levied by this article. Except as provided in the following sentence, the tax levied by this section for taxable years

beginning on or after January 1, 2000, shall be levied at the rate of \$5.30 per \$1,000 of the taxable shares base and shall not exceed \$500,000 for any taxpayer. If a Constitutional Amendment proposed by legislation enacted in the 1999 Second Special Session increasing the rate of taxation on the income of corporations to at least 6.5% is ratified by the qualified electors of the state and legislation is enacted to transfer at least \$75 million annually from the Education Trust Fund to the State General Fund, the amount of tax levied by this section for the taxable year beginning January 1, 2001, shall be levied at the rate of \$1.33 per \$1,000 of the taxable shares base and shall not exceed \$125,000 for any taxpayer.

(b) If any taxpayer's first taxable year is less than twelve months because the taxpayer is organized during the taxable year, or if any foreign corporation qualifies to do business in this state during the taxable year, the amount of the tax levied by this article shall be determined in the manner specified in this article but apportioned to the short taxable year in the same proportion as the number of days in the short taxable year bears to 365, but in no event more than \$500,000.

40-14A-32. Exemptions. The tax levied by this article shall not apply to:

(1) Financial institutions, as defined in section 40-16-1, that are subject to the provisions of chapter 16 of this title as to the excise taxes levied on financial institutions;

(2) Insurance companies that are subject to the premium taxes levied by chapter 4A of title 27; and

(3) Corporations, companies, or associations whose property is assessed for taxation pursuant to the provisions of chapter 21 of this title unless such corporation has no obligation to serve the general public.

(4) Real estate investment trusts as defined in chapter 13 of title 10.

40-14A-33. Definition of initial taxable shares base.

(a) Determine the sum of the following as of the first day of the corporation's taxable year:

(1) The outstanding capital stock and any additional paid-in capital, but without reduction for treasury stock; and

(2) Retained earnings, but not less than zero, which shall include any amounts designated for the payment of dividends until the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

(b) From the amount determined under subsection (a), subtract:

(1) The book value of goods, wares, and merchandise held for sale;

(2) The book value of the investment by the taxpayer in the equity of other corporations doing business in Alabama. This subdivision shall not apply if the taxpayer is a dealer of securities subject to 26 U.S.C. §1236.

(3) Federal obligations.

a. For a taxpayer who does not hold federal obligations for a tax avoidance purpose, the book value of federal obligations owned by the taxpayer multiplied by a fraction, the numerator of which is the amount determined in subsection (a) and the denominator of which is the sum of the amount determined in subsection (a) and the amount of the taxpayer's debts maturing in more than one year.

b. For a taxpayer that does hold federal obligations for a tax avoidance purpose, an amount determined in accordance with paragraph a. multiplied by a fraction, the numerator of which is the average amount of federal obligations owned during the taxable year and the denominator of which is the average amount of the taxpayer's total assets during the taxable year, both determined on a daily basis.

c. A taxpayer shall be deemed to hold federal obligations for a tax avoidance purpose if more than 50 percent by value of the taxpayer's federal obligations are purchased within a period beginning forty-five days before the end of the determination period and are sold within a period ending forty-five days after the end of the determination period.

d. A taxpayer may be found to hold federal obligations for a tax avoidance purpose even if such tax avoidance purpose is not deemed to exist by virtue of paragraph c.

(4) The unamortized balance of any amount that the taxpayer properly elected, pursuant to pronouncements of the Financial Accounting Standards Board or any equivalent successor authority, to amortize over a period of years rather than immediately charging such amount to earnings.

(5) In the case of an Alabama S corporation, 30 percent of the corporation's taxable income, or, if greater, the amount that would have been the corporation's income tax liability if it were subject to income tax, computed according to the same method used to determine the amounts required to be included in the shareholders'

incomes and in accordance with generally accepted accounting principles.

(6) For all industrial development board assets that a corporation was entitled to use pursuant to a lease or other agreement entered into before May 21, 1992, or would be entitled to use the property at some future time pursuant to an inducement entered into with the industrial development board before May 21, 1992, as provided in Section 40-9B-7 (c) (if and to the extent that a corporation includes such industrial development board assets on its balance sheet) the corporation shall file with its shares tax return a separate schedule itemizing the book value of its industrial development board assets and the book value of its industrial development board liabilities. The net balance sheet value of such separately scheduled industrial development board assets and industrial development board liabilities shall be excluded from the calculation of the shares tax if such assets are included in the calculation of net worth under Article 2 of this act; provided however, this exclusion shall not exceed \$200,000 per determination period.

(7) Nothing in this section shall be construed to allow any item to be deducted twice or to allow a deduction for any item that is excluded from net worth.

40-14A-34. Definition of taxable shares base. The taxable shares base shall be determined as follows:

(a) Multiply the initial taxable shares base by the apportionment factor used to apportion the corporation's income to Alabama for purposes of the Alabama income tax in accordance with chapter 18 of this title.

(b) From the amount determined in subsection (a), subtract the following:

(1) The book value of all devices, facilities, or structures, and all identifiable components or materials for use therein, that are located in Alabama and are acquired or constructed primarily for the control, reduction, or elimination of air, ground, or water pollution or radiological hazards where such pollution or radiological hazards result from or would be caused by activities of the taxpayer in Alabama;

(2) The net amount invested by the taxpayer in any bond or other security issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation agency or instrumentality of the foregoing before January 1, 2000, but only until the year in which occurs the earlier of the final maturity date thereof or the date on which the principal of the bond or security shall be called

for optional redemption prior to the final maturity thereof. This subdivision shall not apply if the taxpayer is a dealer in securities subject to the rules of 26 U.S.C. §1236;

(3) The balance of any reserve, account, or trust reasonably determined to satisfy any liability that is imposed by federal, state, or local government laws or regulations for reclamation, storage, disposal, decontamination, retirement, or other related costs associated with a plant, facility, mine, or site in Alabama;

(4) During the period beginning December 1, 1997, and ending on the date twenty years thereafter, the amount invested in all new and existing manufacturing facilities in this state by the taxpayer, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory in this state, provided that the taxpayer has met the criteria in paragraph a. below, and, in addition, has met the criteria in paragraph b. below:

a. The taxpayer must, not later than December 31, 2000, file with the Department a statement of intent to claim the deduction provided under this section. This statement of intent shall contain any information required by the Department.

b. During the period commencing with December 1, 1997, and ending on the date six years thereafter, the amount of new investment in all new and existing manufacturing facilities in this state by the taxpayer and, in addition, the number of new employees at all new and existing manufacturing facilities in this state shall meet or exceed the limits described in one of the following brackets:

Amount Invested	Number of New Employees
Not less than \$1,000,000,000	Not less than 500
Not less than \$900,000,000	Not less than 600
Not less than \$800,000,000	Not less than 700
Not less than \$700,000,000	Not less than 800
Not less than \$600,000,000	Not less than 900
Not less than \$500,000,000	Not less than 1,000
Not less than \$400,000,000	Not less than 1,100
Not less than \$300,000,000	Not less than 1,200
Not less than \$200,000,000	Not less than 1,300
Not less than \$100,000,000	Not less than 1,400

No deduction shall be available under this paragraph (4) until the criteria defined in subparagraph a. above, and, in addition, subparagraph b. above have been met. The deduction available under this paragraph (4) shall only be available during those years within the 20 years after December 1, 1997, in which the taxpayer maintains the criteria defined in subparagraph b. above.

(5) The amount invested by the taxpayer in the purchase of an existing manufacturing facility in this state, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory on or after January 1, 1998, and during the period for 20 years thereafter, provided that the taxpayer has met the criteria in paragraphs a., b., and c.

a. The taxpayer must, within six months of February 19, 1998, file with the Department a statement of intent to claim the deduction provided pursuant to this subdivision (5). The statement of intent shall contain any information required by the Department.

b. At the time of purchase, the existing manufacturing facility must have at least 1,000 employees, which employment level must be maintained during the period 20 years after the date of acquisition by the taxpayer.

c. At the time of purchase, the existing manufacturing facility must produce aluminum alloy can stock.

(6) The market value, or current use value if applicable, of the real and personal property as last determined by the county assessing official on which the taxpayer is subject to the tax levied by chapter 8 of this title.

Nothing in this subsection shall be construed to allow any item to be deducted twice or to allow a deduction for any item that is excluded from net worth.

40-14A-35.

(a) Every corporation organized under Alabama law or doing business in Alabama as of the first day of a calendar year shall file a return with the Department. The return is due not later than March 15 of each year or, in the case of a taxpayer not in existence or not doing business in Alabama on January 1 of the taxable year, two and one-half months after the taxpayer comes into existence or commences doing business in Alabama. In cases where receivers, trustees in bankruptcy, or assignees are operating the property or business of taxpayers, those receivers, trustees, or assignees shall file returns for the taxpayers in the same manner and form as the taxpayers are required to file returns. Any tax due

on the basis of returns filed by receivers, trustees, or assignees shall be collected in the same manner as if collected from the taxpayers for whose business or property they have custody and control. The Department may grant a reasonable extension of time for filing returns under rules and regulations prescribed by the Department. No extension shall be for more than six months.

(b) The shares tax provided in this chapter shall be reported on forms and in the manner as prescribed by the Department. The failure to receive a form from the Department shall not relieve a taxpayer from liability for any tax penalty or interest otherwise due. The tax due, as reported, shall constitute an admitted liability for that amount. The Department may compute and assess additional tax, penalty, and interest against a taxpayer as provided in chapter 2A of this title. Interest on overpayments of shares tax will be computed and paid in the manner provided in section 40-1-44(b)(1)b.

(c) A corporation that is a member of an Alabama affiliated group that has elected to file a consolidated return pursuant to section 40-18-39(b) or section 40-16-3(b), if it is subject to the shares tax imposed by this article, shall file a separate return reporting and paying the tax as provided in this article without regard to other members of the affiliated group.

40-14A-36.

The tax levied by this article shall be due at the same time the return is due. Remittance of the shares tax required by the above sections shall be made to the Department at Montgomery, Alabama, for deposit to the State Treasurer of Alabama. In addition to all other appropriations heretofore or hereinafter made, there is hereby appropriated to the Department for the fiscal year ending September 30, 2000, such amount as is reasonably required to offset its conversion costs as a first charge against the revenues from the tax levied by this act. For all subsequent years, there shall be appropriated to the Department as a first charge against the revenues from the tax levied by this act an amount that will offset its actual costs in the administration and regulation of this tax.

The balance of the shares tax collected shall be distributed each fiscal year to the State General Fund.

40-14A-37.

Whenever a corporation organized under the laws of this state is dissolved, terminated, liquidated, or otherwise wound-up, by an agreement of the stockholders filed in the office of the probate judge of the county wherein the corporation was organized, the probate

judge shall at once give notice to the Department and secretary of state of the dissolution event, with name of the taxpayer, the amount of its net worth, and the date of dissolution, termination, liquidation, or other winding-up. When a dissolution of a corporation organized under the laws of this state takes place by judgment of a court, upon the filing of a complaint under the laws of this state by the creditors, stockholders, or others, the clerk of the court shall at once notify the Department and secretary of state of such dissolution, termination, liquidation, or other winding up. In any cases where petitions are filed in any court by the creditors, stockholders, or others for the dissolution, termination, liquidation, or other winding-up of a taxpayer in case of insolvency of the taxpayer, the clerk of the court shall give notice of the civil action to the Department so that the Department may file a petition in the case in the court for the purpose of collecting any unpaid shares tax owing by the taxpayer.

40-14A-38.

The payment of the shares tax levied by this chapter shall not exempt any taxpayer from the payment of any regular license or privilege tax required by law for the engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations.

Article 4. Exemptions

40-14A-41.

The taxes levied by this chapter shall not apply to any entity that was organized before January 1, 1999, was not subject to the franchise tax levied by former chapter 14 of this title, and is entitled, pursuant to a contract entered into before January 1, 1999, to be indemnified for taxes upon net worth resulting from transactions or activities contemplated in the contract.

40 14A 42.

The taxes levied by this chapter shall not apply to any corporation that is wholly or partially exempt from the franchise tax imposed by former chapter 14 of this title because it is a party to a contract with the Department of Economic and Community Affairs under the authority of section 41-23-30.

40-14A-43.

The taxes levied by this chapter shall not apply to any organization described in 26 U.S.C. §501 (a).

Section 3. Section 10-2B-15.02 is amended to read as follows:

“10-2B-15.02 Consequences of transacting business without authority.

(a) A foreign corporation transacting business in this state without a certificate of authority or without complying with Chapter 14A of Title 40 may not maintain a proceeding in this state without a certificate of authority. All contracts or agreements made or entered into in this state by foreign corporations prior to obtaining a certificate of authority to transact business in this state shall be held void at the action of the foreign corporation or by any person claiming through or under the foreign corporation by virtue of the contract or agreement; but nothing in this section shall abrogate the equitable rule that he who seeks equity must do equity.

(b) The failure of a foreign corporation to obtain a certificate of authority shall not impair the validity of any contract or agreement heretofore or hereafter entered into and consisting of a mortgage upon real property or an interest in real property in this state, and the note secured thereby, where the mortgage is insured by the Federal Housing Administration or guaranteed by the Veterans Administration, if the foreign corporation shall have thereafter obtained a certificate of authority. In all actions against a foreign corporation or against any person claiming under a foreign corporation by virtue of a void contract, the foreign corporation or person claiming under it shall be estopped from setting up the fact that the contract or agreement was made in violation of the law."

Section 4. Section 10-2B-16.22 is amended to read as follows:

"10-2B-16.22. Annual report for Secretary of State.

(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the Secretary of State for filing an annual report that sets forth:

(1) The name of the corporation and the state or other jurisdiction under whose law it is incorporated;

(2) The address of its registered office and the name of its registered agent at that office in this state;

(3) The address of its principal office including, in the case of a foreign corporation, the address of its principal office in the state or other jurisdiction under whose law it is incorporated;

(4) The names and respective addresses of its president and secretary; and

(5) A brief statement of the character of business in which it is actually engaged in this state.

(b) Information in the annual report must be current as of the date the annual report is executed on behalf of the corporation.

(c) The first annual report must be delivered to the Secretary of State between January 1 and March 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual reports must be delivered to the Secretary of State between January 1 and March 15 of the following calendar years.

(d) If an annual report does not contain the information required by this section, the Secretary of State shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the Secretary of State within 30 days after the effective date of notice, it is deemed to be timely filed.

(e) The public record information filed with the Department of Revenue, pursuant to Chapter 14A of Title 40 shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a ten dollar (\$10) fee for the State of Alabama accompany the public record information filed by the corporation annually with the Department of Revenue. The fee for the annual report shall be deposited in the State Treasury to the credit of the Secretary of State Corporation fund."

Section 5. Section 27-4A-3 is hereby amended to read as follows:

"27-4A-3. Generally.

(a) Subject to the exceptions and exemptions hereinafter set forth, for the year beginning on January 1, 1995, and for each year thereafter, every insurer shall pay to the commissioner a premium tax equal to the percentage, as set out in this subsection (a), of the premiums received by the insurer for business done in this state, whether the same was actually received by the insurer in this state or elsewhere:

(1) **Premium Tax on Life Insurance Premiums.**

a. Except as hereinafter provided, the rates of taxation on life insurance premiums shall be those amounts set out in the following schedule:

<u>Year</u>	<u>Foreign Insurers</u>	<u>Domestic Insurers</u>
1995	2.9	1.3
1996	2.8	1.6
1997	2.7	1.8
1998	2.5	2.1
Every Year Thereafter	2.3	2.3

b. Individual life insurance policies in a face amount of greater than \$5,000 and up to and including \$25,000, excluding group life insurance policies, shall be taxed at the rate of one percent per annum.

c. Individual life insurance policies in a face amount of \$5,000 or less, excluding group life insurance policies, shall be taxed at the rate of one-half percent per annum.

d. For the purposes of computing the face amount of life insurance policies, all life insurance policies issued within 60 days of another on the life of the same applicant or applicants shall be treated as one policy.

(2) Premium Tax on Health Insurance Premiums.

a. Except as hereinafter provided, the rates of taxation on premiums for health insurance, and accident and health insurance for which a separate premium is charged, shall be those amounts set out in the following schedule:

<u>Year</u>	<u>Foreign Insurers</u>	<u>Domestic Insurers</u>
1995	2.9	1.3
1996	2.8	1.6
1997	2.4	1.6
1998	2.0	1.6
Every Year Thereafter	1.6	1.6

b. Premiums for hospital, medical, surgical, or other health care benefits provided pursuant to any employer sponsored plan for groups with less than 50 insured participants shall be taxed at the rate of one-half percent per annum.

c. Premiums for hospital, medical, surgical, or other health care benefits supplementary to Medicare and Medicaid, or provided pursuant to an employer-sponsored plan for governmental employees, shall be exempt from the premium tax levied pursuant to this chapter.

(3) Premium Tax on Other Insurance Premiums.

a. Except as hereinafter provided, the rate of taxation on insurance other than life insurance, health insurance, and accident health insurance shall be 3.6 percent per annum.

b. Premiums for all of the following types of insurance shall be taxed at the rate of one percent per annum:

1. All property and multi-peril insurance written in fire protection Classes 9 and 10.

2. Mobile homes, mobile homeowners, homeowners and low value dwelling policies in a face amount of \$40,000 or less.

c. Premiums for medical liability insurance shall be taxed at the rate of 1.6 percent per annum.

d. The tax imposed at the rate specified in paragraph a. of this subdivision (3) shall be reduced by the following credits for certain economic development activities pursued in the State of Alabama

1. Alabama Insurance Offices Facilities Credit. For each office owned or leased by an insurer in the State of Alabama and used for insurance operations, an insurer shall be entitled to a credit against the tax imposed by paragraph a. of this subdivision (3) according to the following schedule:

Number of Full-Time Employees in Office	Credit as a % of Premiums Taxable Under Paragraph a.
1 — 3	0.0025%
4 — 10	0.0050%
11 — 50	0.0075%
51 or more	0.0100%

The total credit allowable for Alabama insurance office facilities shall not exceed one percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

2. Alabama Real Property Investment Credit. For each \$1,000,000 in value of real property investments in the State of Alabama, an insurer shall be entitled to a credit of 0.10 percent of its Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3). The total credit allowable for Alabama real property investments shall not exceed 1 percent of an insurer's Alabama premiums taxable at the rate specified in paragraph a. of this subdivision (3).

(i) Alabama real property investments which qualify for the Alabama real property investment credit include any improved Alabama real property owned by the insurer or an affiliate of the insurer on January 1, 1993, and any improved or unimproved Alabama real property acquired or new construction placed in service on or after January 1, 1993, by the insurer or an affiliate of the insurer.

(ii) For purposes of determining the Alabama real property investment credit, Alabama real property investments shall be valued at cost and not at book value or fair market value. The cost

of capital improvements to existing Alabama real property investments, such as the renovation of shopping centers, hotels, or other buildings, completed and placed in service by the insurer or an affiliate of the insurer on or after January 1, 1993, shall be considered an Alabama real estate investment

(iii) For purposes of determining the value of Alabama real property investments, funds borrowed to finance Alabama real property investments shall be subtracted from cost so that only the net cost in the investment properties borne from assets belonging to the insurer or an affiliate of the insurer qualifies for the Alabama real property investment credit. The cost of debt-financed Alabama real property investments of an insurer shall be increased pro tanto as the underlying debt is paid off by the insurer or an affiliate of the insurer.

(iv) The Alabama real property investment credit shall not be allowed for properties in the State of Alabama used in an insurer's insurance operations and for which the Alabama insurance office facilities credit is allowed or allowable, without regard to the 1 percent limitation on the credit. However, the cost of real property owned in the State of Alabama and used in part as an Alabama real property investment and in part for the insurer's insurance operations shall be allocated on a square-foot basis so that the cost allocated to that portion of the property not used for insurance operations shall qualify for the Alabama real property investment credit.

(v) Mortgages held by an insurer that are secured by real property located in the State of Alabama shall not be considered Alabama real property investments for purposes of the Alabama real property investment credit.

3. Special Rules. The following special rules apply to the Alabama insurance office facilities credit and the Alabama real property investment credit.

(i) For purposes of determining the economic development credits allowed under this section, the term "affiliate" shall mean any business entity, other than a life or health insurance company, which is wholly owned by the insurer subject to tax under paragraph a. of this subdivision (3) or any other insurer and its wholly owned subsidiaries, other than a life or health insurance company, which is part of a group of companies, including the insurer, which are under common control and management. For an insurer having affiliates, all premiums of the insurer and its insurance company affiliates subject to tax at the rate specified in paragraph a. of this subdivision (3) may be aggregated; all Alabama insurance office facilities and all Alabama real property investments may be aggregated; and, subject

to the specific credit limitations, the total allowable tax credits may be determined as if all the aggregated premiums, office facilities, and Alabama real property investments were owned by one insurer. Once the total allowable credits have been determined, the credits may be allocated to the insurer and its insurance company affiliates at the sole discretion of the insurer subject to the specific credit limitations on a per insurance company basis. The computation of allowable credits and their allocation to affiliates shall be made on forms to be supplied by the Alabama Department of Insurance, which forms shall be filed with the insurer's annual statement.

(b) Notwithstanding any provision of law to the contrary, including, but not limited to, Section 27-4-4 and Section 27-4-5, all premium tax payments made subsequent to passage of this chapter shall be remitted in accordance with this subsection (b) Beginning January 1, 1993, and all years thereafter, each insurer shall pay its premium taxes on a quarterly basis, as follows: on or before May 15, a payment estimated on the basis of 25 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in the state from January 1 through March 31 of the same calendar year; on or before August 15, a payment estimated on the basis of 45 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of 180 percent of its actual business done in this state from April 1 through June 30 of the same calendar year; on or before November 15, a payment estimated on the basis of 25 percent of its business done in this state during the preceding calendar year or, at the option of the insurer, on the basis of its actual business done in this state from July 1 through September 30 of the same calendar year; on or before March 1, a payment in the amount of the remainder of the actual premium taxes due on its business done in the state during the preceding calendar year. Every authorized insurer shall file with the commissioner a statement, on a form as furnished or approved by the commissioner, setting forth the total amount of premiums received by it for business done in this state during the period covered by the tax payment. The statement shall be verified by an affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this subsection (b) that any taxes paid on an estimated quarterly basis during the calendar year shall be reconciled to actual premiums received on risks in this state for such calendar year on the March 1 payment date in the succeeding calendar year.

(c) The tax imposed by this section shall be subject to credit and deduction of the full amount, with 25 percent of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for all of the following:

(1) Ad valorem property taxes paid by an insurer on any building and real estate in this state which is owned and occupied, in whole or in part, by the insurer for the full period of the tax year as its principal office in the State of Alabama.

(2) All ad valorem taxes paid by an insurer during the calendar year on any other real estate and improvements thereon in this state which is owned and at least 50 percent occupied by the insurer for the full period of the tax year.

(3) Ad valorem property taxes paid by an insurer on the insurer's offices in this state during the calendar year, but with respect to the office apportioned to the square foot area occupied by the insured, whether the ad valorem taxes are paid directly by the insurer or in the form of rent to a third-party landlord.

(4) All license fees and taxes paid to any county in this state during the calendar year for the privilege of engaging in the business of insurance within the county.

(5) All expenses of examination of the insurer by the commissioner paid during the calendar year.

(6) All Sixty percent of the franchise or privilege taxes paid by the insurer to the State of Alabama for the calendar year.

(7) All credits for assessments as provided under Sections 27-42-16 and 27-44-13, or assessments for any insurance guaranty fund or pool now or hereafter created by statute paid during the calendar year.

(8) It is the intent of this subsection (c) that any estimated allowable credits or deductions claimed on quarterly returns be reconciled to actual expenditures made during the calendar year on the return due for March 1 in the succeeding calendar year.

(d) The premium taxes collected under this section shall be deposited in the State Treasury and credited as follows:

(1) To the credit of the State General Fund:

a. One hundred percent of the premium tax paid by all health maintenance organizations, domestic and foreign.

b. Fifty percent of the premium tax paid by domestic life insurers.

c. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive.

d. Twenty-five percent of the premium tax paid by all other domestic insurers.

e. One hundred percent of the premium tax paid by foreign life insurers.

f. Sixty-two and one-half percent of the premium tax paid by all foreign property insurers.

g. Seventy-five percent of the premium tax paid by all other foreign insurers.

(2) To the credit of the Education Trust Fund:

a. Fifty percent of the premium tax paid by domestic life insurers.

b. No part of the premium tax paid by non-profit corporations organized pursuant to the provisions of Sections 10-4-100 to 10-4-115, inclusive.

c. Seventy-five percent of the premium tax paid by all other domestic insurers.

d. Thirty-seven and one-half percent of the premium tax paid by foreign property insurers.

e. Twenty-five percent of the premium tax paid by all other foreign insurers.

(3) To the credit of the Alabama Special Mental Health Trust Fund 100 percent of the premium taxes paid by nonprofit corporations organized pursuant to Sections 10-4-100 to 10-4-115, inclusive.

(4) Any provision of this subsection (d) to the contrary notwithstanding, the amount credited to the Education Trust Fund and the Alabama Special Mental Health Trust Fund for any fiscal year after the fiscal year ending September 30, 1992, under this subsection (d) shall be limited to no more than the amount so credited in the fiscal year ending September 30, 1992. Any premium tax that would have been credited to the Education Trust Fund or the Alabama Special Mental Health Trust Fund but for this limitation, shall be credited to the State General Fund.

(e) For the purposes of this section, the term "insurer" shall not include counties, municipalities, municipal corporations, political subdivisions of the state, instrumentalities of counties, municipalities, municipal corporations, or the state of Alabama, or corporations or associations owned solely by counties, municipalities or the state of Alabama."

Section 6. Sections 40-16-4, 40-16-6, and 40-16-8, Code of Alabama 1975 are amended to read as follows:

"40-16-4.

(a) (1) Every such financial institution engaging in any of the following businesses

(i) Banking;

(ii) Conducting the business of a financial institution as defined in this chapter;

(iii) Conducting a credit card business through the issuance of credit cards to Alabama residents or businesses; or

(iv) Conducting a business employing moneyed capital coming into competition with the business of national banks

shall pay to the state annually for each taxable year an excise tax measured by its net income allocated and apportioned for the taxable year at the rate of six percent of the net income.

(2) For purposes of the excise tax imposed by this chapter, any financial institution which has income from business activity that is taxable both within and without this state shall allocate and apportion its net income as provided in regulations which shall be prescribed by the Department of Revenue and which shall be substantially the same as the allocation and apportionment formula for financial institutions recommended from time to time by the Multistate Tax Commission, provided that such regulations shall not conflict with any provision of this chapter. The Department of Revenue shall proceed expeditiously to adopt such regulations after the foreign provisions of this subsection shall become law. Until these regulations are adopted and effective, the apportionment formula for financial institutions recommended by the Multistate Tax Commission shall be used to the extent not inconsistent with the provisions hereof.

(3) The amount of the excise tax shall not be in excess of any limit fixed thereon by any present or future federal statute relating to the taxation of national banks by this state. Under no circumstances will any dividends paid from a financial institution to the common parent corporation of a controlled group of corporations, as defined in Section 40-16-3, be subject to excise tax.

(b) The excise tax provided in this chapter shall be reported in the form to be prescribed by the Department of Revenue. The amount shown to be due by the taxpayer's return shall constitute and create a prima facie liability for the amount on which taxes shall be paid. Where the Department of Revenue determines that the amount due is different from that shown by the taxpayer's return or where no return is filed, the department may determine the correct amount due pursuant to the procedures set forth in Chapter 2A of this title.

(a) The remittance of the excise tax required shall be made to the Department of Revenue at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama.

(b) The proceeds of the excise tax herein imposed by this chapter shall be, without delay, deposited into the state treasury to the credit of the Financial Institution Excise Tax Fund. The amount of money appropriated for each fiscal year by the legislature to the Department of Revenue with which to pay the salaries, the cost of operation, and the management of the department shall be deducted, as a first charge, from the taxes collected pursuant to Section 40-16-4; provided, that the expenditure of money so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41 and limited only to the amount appropriated with which to defray the expenses of operating the department for each fiscal year.

(c) The balance of the tax collected, after the payment of refunds, pursuant to Section 40-16-4, shall, on September 1 in each year, be distributed as follows: On certificate of the Department of Revenue the comptroller shall draw a warrant on the State Treasurer payable to the county treasurer of each of the counties in which the financial institutions are located for an amount equal to one fourth of the tax received from the institutions located in that county, after deducting the proportionate part of the expenses incurred in the administration of this chapter. On similar certificate the comptroller shall draw his a warrant on the State Treasurer in favor of the treasurer of each of the municipalities in which such the financial institutions are located for an amount equal to one half of the tax received from the institutions located in those municipalities, after deducting the proportionate part of the expenses incurred in the administration of this chapter. The amount remaining in the financial institution excise tax fund, after the payment of the expenses as heretofore in this chapter provided, and after the distribution to the counties and municipalities of their proportionate part of the tax, shall be deposited into the general fund of the State of Alabama.

(d) Any financial institution which conducts its business in more than one municipality or in more than one county in this state shall, in making the return required by this chapter, report in detail the percentage of its total business in the state conducted in each municipality and in such county, and the portions of tax paid by each such financial institution due to be distributed to the municipality and county shall be distributed pro rata according to the percentage so reported to the municipalities and counties where a business is conducted instead of solely to the one where the principal place of business of a financial institution is located in this state.

(e) A financial institution that does not maintain an office in Alabama, but is subject to the tax imposed by Section 40-16-4, is deemed not to be located in any particular county or municipality of the State. Any taxes collected from that institution, after payment of refunds, and after deduction for a proportionate part of the expense incurred in the administration of this chapter, shall be deposited into the State General Fund on or before September 1 of each year.

(f) No municipality or county within the state may levy or assess any excise tax for the privilege of engaging in a business in addition to that levied and distributed to it as herein provided, except license taxes. However, license taxes on banks shall not be levied in excess of those which may be legally levied pursuant to Section 11-51-130, provided however, that the license authorized by subdivisions (1) to (12), inclusive, of subsection (a) of Section 11-51-130 may be levied only by the municipality where the bank has its principal place of business."

"40-16-8.

All moneyed capital employed in the business the privilege of engaging in which is hereby taxed and the shares of all financial institutions, as in this chapter defined, shall be exempted from assessment and payment of ad valorem taxes, except the moneyed capital and shares of any business hereby taxed which fails to make and file the returns required by this chapter and to pay the tax levied by this chapter as and when in this chapter provided. The real estate owned by every such financial institution shall not be exempted. If any other tax other than the privilege tax levied by Article 2 of the Business Privilege Tax levied by this Act, whether on property (other than ad valorem taxes on real estate), income, business or any element thereof, except license taxes not in excess of those heretofore legally levied and in effect, at any time after July 10, 1935, has been, or is at any time hereafter levied by this state or by any political subdivision of this state on any financial institution as in this chapter defined, the amount of such other tax due by such institution shall be credited on account of the tax payable pursuant to the provisions of this chapter."

Section 7. Section 40-1-3 is amended to read as follows:

"§40-1-3.

From and after October 1 of each year, when property becomes assessable the state shall have a lien upon each and every piece or parcel of property owned by any taxpayer for the payment of all taxes which may be assessed against him and upon each piece and parcel of property real or personal assessed to owner unknown, which lien shall continue until such taxes are paid, and the county shall have a like lien thereon for the payment of the taxes which may be assessed by it; and, if such property is within the limits of a

municipal corporation, such municipal corporation shall have a like lien thereon for the payment of the taxes which may be assessed by it. These liens shall be superior to all other liens and shall exist in the order named, and each of such liens may be enforced and foreclosed by sale for taxes as provided in this title, or as other liens upon property are enforced, except as otherwise provided by laws.

Section 8. Exemption of shares in corporations from ad valorem tax. Shares of stock in corporations or associations incorporated under the laws of this state or otherwise shall be exempt from ad valorem taxation in this state.

Section 9. Repealer. Section 40-11-l(b)(9) (relating to ad valorem taxation of shares of foreign corporations), Sections 40-14-1 through 40-14-4, inclusive, (relating to the foreign admissions tax), Sections 40-14-21 through 40-14-23, inclusive (relating to permits), Sections 40-14-42 through 40-14-58, inclusive (relating to the franchise tax), Sections 40-14-70 through 40-14-74, inclusive (relating to the taxation of corporate shares of stock), Sections 40-24-1 through 40-24-8, inclusive (relating to the securities registration tax), Section 40-5-16, and Section 40-21-29 are hereby repealed. Sections 40-14-40 and 40-14-41 shall not be effective after December 31, 1999. Sections 40-14-40 and 40-14-41 shall remain in effect for all other taxable years beginning before December 31, 1999 for the purposes of any remedial issues involving the propriety or necessity of retrospective remedies and/or legislation that may be required or necessary to remedy the discrimination identified by the United States Supreme Court in *South Central Bell Telephone Company v. Alabama*, ___ U.S. ___, 119 S. Ct. 1180 (1999) and *South Central Bell Telephone Company v. Alabama*, Case No. 1960591 (Ala. Nov. 17, 1999).

Section 10. Effect of repeal of former acts. The repeal of a prior act by this act shall not affect any right accrued or established, or any liability or penalty incurred, under the provision of such act, before its repeal.

Section 11. Severability. If a court of competent jurisdiction adjudges invalid or unconstitutional any clause, sentence, paragraph, section, or part of this Act, such judgment or decree shall not affect, impair, invalidate, or nullify the remainder of this Act, but the effect of the decision shall be confined to the clause, sentence, paragraph, section, or part of this Act adjudged to be invalid or unconstitutional.

Section 12. Transition rules. In the event a constitutional amendment providing for an increase in the rate of the corporate income tax to at least 6.5% is ratified by the qualified electors of the state and proclaimed by the Governor as provided in sections 284 and 285 of the Constitution of Alabama of 1901, and House Bill 2 introduced in the 1999 Second Special Session is enacted into law.

(a) The amendments to the corporate income tax levied under chapter 18 of title 40, including the rate increase to six and one-half percent, as contained in the act of the Second Special Session of the 1999 Alabama Legislature that was introduced as HB 4, shall become effective for all taxable years beginning on or after January 1, 2001

(b) The rate of the financial institution excise tax levied by chapter 16 of title 40 shall be increased to six and one-half percent for all taxable years beginning on or after January 1, 2001

(c) The shares tax levied by this act shall stand repealed for taxable years beginning on or after January 1, 2002

(d) The maximum tax provided in section 40-14A-22(d) (2) of the Business Privilege and Corporate Shares Tax Act enacted by this act shall be inapplicable to any taxpayer that is subject to the corporate income tax, and the maximum tax provided in section 40-14A-22(d) (1) shall thereafter apply to any such taxpayer

(e) No change in rate of tax, applicability of tax, or maximum tax pursuant to this section shall affect any rights accrued or established, or any liability or penalty incurred under the provisions of any of the acts modified or rendered inapplicable by this section.

Section 13. Effective date. (a) Except as provided in subsection (b), this act shall be effective for all taxable years or periods beginning after December 31, 1999.

(b) So much of section 8 as relates to the repeal of sections 40-14-70 through 40-14-74, Code of Alabama 1975 (relating to the shares tax) shall be effective for taxable years beginning after October 1, 1998.

Approved November 29, 1999

Time: 2:58 P.M.

Act No. 99-666

H. 33 – Rep. Rogers (M)

AN ACT

Relating to Calhoun County, to repeal Act 97-274 of the 1997 Regular Session (Acts 1997, p. 491), relating to the establishment of the Fort McClellan Development Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 97-274, 1997 Regular Session (Acts 1997, p. 491) is repealed.

Section 2. This act shall become effective on December 31, 1999, following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 3:30 P.M.

Act No. 99-667

H. 34 – Rep. Rogers (M)

AN ACT

Relating to Calhoun County; amending Act 82-222, S. 482, 1982 Regular Session (Acts 1982, p. 269), creating the Economic Development Council for Calhoun County, to provide further for the residency requirement of the members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 82-222, S. 482, 1982 Regular Session (Acts 1982, p. 269) is amended to read as follows:

“Section 2. (a) The powers and authorities of the Calhoun County Economic Development Council shall be vested in and performed by a board of directors.

(b) The board shall be composed of 9 appointed members and one ex officio non-voting member, appointed as follows: five of the directors shall be appointed by the Calhoun County legislative delegation; two of the directors shall be appointed by the governing body of the county; and two of the directors shall be appointed by an appointing body composed of the mayors from each of the municipalities in the county. The non-voting ex officio member shall be the chair of the Oversight Committee. Three of the initial members shall be appointed for a term of two years, three for a term of four years, and the remaining three for a term of six years. All successor members shall be appointed for terms of office of six years each. In determining who shall be appointed for an initial term of two, four, or six years, the following procedure shall apply: the positions on the board shall be numbered as indicated hereinabove, and, by lot, shall be designated as having initial terms of two, four, or six years, respectively. All successor appointments shall be made by the entity originally entitled to make the appointment to the initial term.

(c) Each appointee shall reside either within the county or within any municipality located in the county, shall not hold any elective office, shall be a duly qualified elector of the county or of any municipality located within the county, and shall possess a background in business and financial affairs.

(d) If at the expiration of any term of office of any director a successor thereto has not been elected, then the director whose

term of office has expired shall continue to hold office until a successor is elected."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved November 29, 1999

Time: 3:31 P.M.

Act No. 99-668

S. 5 – Senators Smitherman
and Escott-Russell

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to require the election of city boards of education in any municipality with a population exceeding 125,000; and to provide by local law for the creation of such elected city boards of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

I. The members of the city board of education of any municipality in the state with a population exceeding 125,000 shall be elected by the qualified electors of the municipality in which the city board of education is located.

II. This amendment shall apply to a municipality with a population exceeding 125,000 if, at the time this amendment is submitted to a statewide vote, a majority of the qualified electors voting on the amendment in the respective municipality vote in favor of the amendment.

III. Upon the application of this amendment to a respective municipality, either at the time of the ratification of this amendment or at a later time, the Legislature shall, by local law, provide for the dissolution of any existing nonelected city board of education in an applicable municipality and for the date the elected city board of education shall be constituted. The existing city board of education shall continue to function until the date of dissolution. Additionally, the Legislature, by local law, may provide for the termination of the terms of office of members of an existing city board of education; the

composition of the elected city board of education; initial and succeeding terms of office, including staggered terms; election districts and at-large membership; qualifications; powers, duties, and responsibilities; vacancies; and compensation.

IV. If a municipality comes within the application of this constitutional amendment after the date of ratification of this constitutional amendment, the provisions of this constitutional amendment shall only apply to that municipality if such provisions are approved by a majority vote of the qualified electors of the municipality voting at a special referendum called and conducted pursuant to local law, adopted from time to time by the Legislature.

Section 2. An election upon the proposed amendment shall be held at the next statewide primary or general election in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, to require the election of the members of the city board of education of any municipality in the state with a population exceeding 125,000, upon the approval of a majority of the qualified electors of the municipality. Proposed by Act ____."

This description shall be followed by the following language: "Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the Senate November 22, 1999

Passed the House November 29, 1999

Act No. 99-669

H. 29 – Rep. Payne

AN ACT

Relating to Jefferson County, to repeal Act 406 of the 1967 Regular Session (Acts 1967, p. 1031), relating to a license or privilege tax upon persons engaging in certain business' in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 406 of the 1967 Regular Session (Acts 1967, p. 1031), relating to a license or privilege tax upon persons engaging in certain business' in Jefferson County, is repealed.

Section 2. This act shall become effective on the first day of April 1, 2000 following its passage and approval by the Governor, or its otherwise becoming law.

Approved November 29, 1999

Time: 5:00 P.M.

Act No. 99-670

H. 37 – Rep. Dolbare

AN ACT

Relating to Washington County; authorizing the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Be It Enacted by the Legislature of Alabama:

Section 1. The Washington County Commission shall impose on every person, firm, or corporation that sells, stores, delivers, uses, or otherwise consumes tobacco or tobacco products in Washington County, a county privilege, license, or excise tax in the following amounts:

(1) Five cents (\$0.05) for each package of cigarettes made of tobacco or any substitute therefor.

(2) Five cents (\$0.05) for each cigar of any description made of tobacco or any substitute therefor, including the cigarette sized or near cigarette sized cigars.

(3) Five cents (\$0.05) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed, and other kinds and forms of tobacco which are prepared in such manner suitable for smoking in a pipe or cigarette.

(4) Five cents (\$0.05) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner suitable for chewing only and not suitable for smoking as described in subdivision (3).

(5) Five cents (\$0.05) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

(6) Five cents (\$0.05) for each package of tobacco paper, both gummed and ungummed.

The privilege, license, or excise tax shall be in addition to all other taxes imposed by law and shall be collected in the same manner as other taxes on tobacco, except that when the license tax required by this act has been paid by a wholesaler or seller of the products, that payment shall be sufficient. The legislative intent is that the tax shall be paid only once on each package of cigarettes, chewing tobacco, snuff, cigars of every description, and smoking

tobacco of every description, and for each package of tobacco paper, whether gummed or ungummed.

Section 2. Every person, firm, corporation, club, or association that sells, stores, or receives for the purpose of selling or storing in Washington County, any cigarettes, cigars, snuff, and smoking tobacco products shall add the amount of the license or privilege tax levied and assessed to the price of the cigarettes, cigars, snuff, and smoking tobacco products. It is the purpose and intent of this section that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club, or association, that sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, and smoking tobacco products, acting merely as an agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, and smoking tobacco products, on all price display signs, sales or delivery slips, bills, and statements which advertise or indicate the price of the cigarettes, cigars, snuff, and smoking tobacco products.

Section 3. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing in the business in Washington County for which the tax is levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided, to refund or offer to refund all or any part of the amount collected or absorb, or advertise directly or indirectly, the absorption of the tax or any portion thereof. Any person, firm, corporation, club, or association violating this section shall be subject to a civil penalty of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each act in violation of this section shall constitute a separate offense.

(1) The State Department of Revenue or, as otherwise provided by resolution of the county commission, the Washington County Tax Collector shall collect all taxes levied pursuant to this act at the same time and in the same manner as state sales and use taxes are collected.

(2) The tax levied herein shall be paid by affixing stamps that are required for the payment of the tax imposed by Sections 40-25-1 to 40-25-28, inclusive, Code of Alabama 1975.

(3) The department shall have the same duties relative to the preparation and sale of stamps to evidence the payment of the tax that it has relative to the preparation and sale of stamps under Sections 40-25-1 to 40-25-28, inclusive, Code of Alabama 1975. The department may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax levied that it does relative to the collection of that tax, as long as it is authorized and directed to do so under the resolution adopted by the commission.

(4) In accordance with Section 40-25-2(q), Code of Alabama 1975, in the event the aforementioned tobacco stamps are not available for affixing to tobacco products packages and containers, or by the authority of a duly promulgated regulation eliminating the requirement of affixing county tobacco stamps, the Commissioner of the Department of Revenue may require a monthly report in lieu of stamps to report the amount of tax due. The monthly report shall be in a form approved by the commissioner and adopted by the department under the Alabama Administrative Procedure Act, Title 41, Chapter 22 of the Code of Alabama 1975.

(5) The department may promulgate and enforce rules and regulations to effectuate the purposes of this act. All rules and regulations duly promulgated shall have the same force and effect of law.

Section 4. All laws, rules, and regulations of the department relating to the manner and time of payment of the tax levied by Sections 40-25-1 to 40-25-28, inclusive, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as provided for in this act.

Section 5. The proceeds from the tax levied, less the amount or percentage of the actual cost of collection as may be agreed upon by the Commissioner of the Department of Revenue and the Washington County Commission, shall be distributed to the Washington County Parks and Recreation Board to be used as other funds of the board are used.

Section 6. This act shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco, and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of the county which are actually resold or reshipped.

Section 7. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on November 30, 1999 without approval by the Governor.

Act No. 99-671

H. 19 – Rep. Hayden

AN ACT

Relating to Perry County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Perry County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Perry County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one cent privilege license tax against gross sales or gross receipts.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by this act shall be collected by the State Department of Revenue or other collection agent as designated by resolution at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied by this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied by this act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied by this act shall constitute a debt due Perry County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any

person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this act and to enforce this act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Perry County.

Section 7. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied under this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied under this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Perry County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Perry County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Perry County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Perry County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Perry County in an amount equal to the certified amount which shall be paid into the county general fund to be used for general county purposes.

Section 9. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on November 30, 1999 without approval by the Governor.

Act No. 99-672

H. 50 – Rep. Robinson (J)

AN ACT

Relating to Jackson County; authorizing the county commission to provide for additional costs for service of papers and documents by the sheriff and providing for the disposition of the proceeds; authorizing the county commission to levy a county lease tax and providing for administration, enforcement, collection, and disposition of the proceeds of the revenue raised from the county tax; and authorizing the county commission to impose an additional delinquent payment penalty for late payment of the county portion of ad valorem taxes and providing for the disposition of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Jackson County.

Section 2. In addition to all other fees or costs levied, the county commission may require that there shall be taxed as costs the sum of ten dollars (\$10), for the service of each paper or document by the sheriff or any deputy sheriff arising out of any civil or quasi-civil proceeding in any court in Jackson County, whether the proceeding is filed in or arising in any of the courts, on appeal, certiorari, or otherwise to the district court or the circuit court. The sum shall be collected in each court in which any service of any papers or documents is made by the sheriff. The costs shall be collected in the same manner as other costs in the cases in the respective courts and deposited in the county general fund.

Section 3. (a) In Jackson County, the county commission may levy a two percent lease tax in all areas of the county.

(b) The tax shall parallel the state lease tax in Chapter 12 (commencing with Section 40-12-220) of Title 40 of the Code of Alabama 1975 and Section 40-9-30, including exemptions therefrom and enforcement proceedings therefor. The Jackson County Commission shall administer and collect this tax and provide for enforcement penalties by resolution. The county commission may retain an amount or percentage of the total proceeds collected in an amount as may be agreed upon by the members of the county commission, but in no event shall the charge exceed two percent of the total amount of tax collected under this act.

(c) The net proceeds of any lease tax levied pursuant to this act shall be deposited in the county general fund for general county purpose.

Section 4. (a) In addition to any penalty heretofore imposed by law for the late payment of ad valorem taxes in Jackson County, the county commission may impose a delinquent payment penalty in the amount of two dollars (\$2) per day on that portion of ad valo-

rem taxes due to the county as prescribed on each bill of assessment distributed, as provided by law, to real property owners in the county. The additional penalty hereby imposed for late payment of the county portion of any ad valorem taxes due shall be administered and collected in the same manner as now prescribed by law for any existing delinquent payment penalties on the taxes including the placement of liens on properties on which payment of the taxes maybe delinquent. It is the express intent of this act that the additional penalty herein imposed shall apply only to the county portion of any ad valorem taxes due and payable as provided by law and the additional penalty shall not be applicable to any state or local ad valorem taxes due and payable as provided by law.

(b) The proceeds of the additional penalty on the county ad valorem taxes imposed by this act, less costs of administration, shall be deposited to the county general fund for general county government operations.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on November 30, 1999 without approval by the Governor.

Act No. 99-673

H. 65 – Reps. Jackson, Parker (T)
and Layson

AN ACT

To amend Section 2-2-11, Code of Alabama 1975, to provide that the commissioner may appoint one additional person for each division who may be employed in the unclassified service.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2-2-11, Code of Alabama 1975, is amended to read as follows:

“§2-2-11.

“The commissioner shall, with the advice and approval of the state board of agriculture and industries, organize the department of

agriculture and industries into such divisions as deemed necessary to properly segregate and conduct the work of the department. The commissioner may assign to each of the employees of the department such powers, duties and labors as the commissioner may see fit. At the discretion of the commissioner, one additional person for each division may be employed in the unclassified service."

Provided, however, the total number of additional persons who may be employed in the unclassified service under the provisions of the preceding sentence shall not exceed three additional persons.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved December 3, 1999

Time: 8:35 A.M.

Act No. 99-674

S. 12 – Senator Butler

AN ACT

To amend Section 3 of Act 99-198 of the 1999 Regular Session, relating to the Alabama Incentives Financing Authority, to provide further for the definition of "Y2K Expenditure," and to provide for the reporting of Y2K expenditures and provide for racial diversity in awarding Y2K contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act 99-198 of the 1999 Regular Session is amended to read as follows:

"Section 3.

"(a) Except as otherwise expressly provided herein, words and phrases used in this act that are defined in Section 41-10-541, Code of Alabama 1975, shall have the meanings assigned in such section.

"(b) The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective meanings:

"(1) **COMPUTER SYSTEMS.** Any and all computer hardware, firmware, and software, owned by or useful in the performance of any function for any state entity.

"(2) **STATE ENTITY.** The State of Alabama and any agency, authority, board, commission, department, or instrumentality thereof.

“(3) Y2K COMPLIANT. When used to describe the state’s computer systems, such computer systems are, or will be, capable of accurately processing, storing, providing and /or receiving date data from, into and between the twentieth and twenty-first centuries, including the years 1999 and 2000, and leap year calculations, when used on a stand-alone basis or in combination with other hardware, firmware, or software, without creating new errors or side effects.

“(4) Y2K EXPENDITURE. All costs and expenses incurred by a state entity to obtain the services, hardware, firmware, software, work product, materials, and equipment required: (i) to test the computer systems to determine whether such systems are Y2K compliant; (ii) to implement modifications to or replacement of all parts of such computer systems so as to cause them to become Y2K compliant; (iii) to develop and implement Y2K contingency plans; or (iv) to purchase any Y2K related equipment or services.”

Section 2. The State Finance Director shall report to the Lieutenant Governor, the President Pro tempore of the Senate, and the Speaker of the House of any purchase of Y2K related equipment or services by the Alabama Incentives Finance Authority within 30 working days after the purchase. Any contract expending Y2K funds by the authority shall at least reflect the racial, social, and economic diversity of the state.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming a law.

Approved December 3, 1999

Time: 10:20 A.M.

Act No. 99-675

S.J.R. 8 – Senator Dial

SENATE JOINT RESOLUTION

DESIGNATING THE LOYD OWENS CANOE TRAIL IN CLEBURNE COUNTY.

WHEREAS, noted with sincere appreciation and admiration is the dedicated and committed service of Loyd Owens, who began his tenure of service as Supervisor of the Cleburne County Board of Supervisors for the Cleburne County Soil and Water Conservation District in November 1983, including serving as its chairman during the last five years; he also has spent countless hours during his distinguished public service career in establishing the Cleburne County Canoe Trails; and

WHEREAS, Mr. Owens is a graduate of Cleburne County High School and received his B.S. Degree in Agricultural Science and Master of Agriculture Degree from Auburn University; he retired from the Cooperative Extension System in Cleburne County in 1982, served six and a half years with the Board of Registrar's office, and for a four-year term as County Commissioner for District 3 in Cleburne County; and

WHEREAS, a man before his time, Mr. Owens was vice chairman of Area II for the Alabama Association of Conservation Districts; is an active member of the Coosa Valley Resource Conservation and Development Council and the State Water Resource Committee; secretary of the Cleburne County Farmer's Federation; chairman of the Cleburne County Forestry Planning Committee; is a member of the Emerald Triangle; and a charter member and the first Fire Chief of the Abernathy Volunteer Fire Department; and

WHEREAS, he also has succeeded in compiling an impressive history of civic achievements as state director of the Board of Directors for Alabama Treasure Forest Association for more than six years; a charter member of the Cleburne County Chamber of Commerce; and with his current involvement in the restoration of the New Hopewell School House; and

WHEREAS, as a result of his tireless hard work and unwavering commitment over the years, Mr. Owens was instrumental in obtaining funds to install a wooden bridge on Owens Creek in Cleburne County and initiated the Comprehensive County Recreation and Tourism Plan, among numerous other projects; and

WHEREAS, Mr. Owens and his lovely wife, Dona, are devoted members of Antioch Methodist Church; they also are the proud parents of two children and five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding service to the citizens of Cleburne County, the canoe trail on the Tallapoosa River in Cleburne County is hereby designated the Loyd Owens Canoe Trail and it is further directed that a copy of this resolution be presented to Mr. Owens with pride and admiration.

BE IT FURTHER RESOLVED, That appropriate officials are requested to place and maintain markers designating the Loyd Owens Canoe Trail in Cleburne County as provided in this resolution.

Approved December 6, 1999

Time: 2:00 P.M.

Act No. 99-676

S.J.R. 10 – Senators Smith and Holley

SENATE JOINT RESOLUTION

COMMENDING BROOKE JUSTICE OF DOTHAN, ALABAMA, UPON HER SELECTION AS 1999 MISS NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, highest commendation and heartiest congratulations are herein extended to Miss Brooke Justice of Dothan, Alabama, upon her selection as 1999 Miss National Peanut Festival Queen; and

WHEREAS, a beautiful and talented young lady, Miss Justice, whose high standards, values, and accomplishments are exemplary, is indeed a worthy representative for her new title as 1999 Miss National Peanut Festival Queen, and one of whom we can be justly proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on her selection as 1999 Miss National Peanut Festival Queen, and in tribute to the honor she brings to her community and state, highest commendation is hereby accorded Miss Brooke Justice of Dothan, Alabama, for whom a copy of this resolution shall be provided that she may know of our sincere pride in her accomplishment, and with warm best wishes for every future success and happiness in life.

Approved December 6, 1999

Time: 2:01 P.M.

Act No. 99-677

S.J.R. 16 – Senators Little (T), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN WATSON COOK OF VESTAVIA HILLS, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that we record the death of our friend and colleague, John Watson "Doug" Cook, a former member of the Alabama House of Representatives from 1966-70 and a member of the Alabama State Senate from 1970-74 and 1978-1982, on October 2, 1999, at the age of 65 years; and

WHEREAS, Mr. Cook, whose leadership and accomplishments were widely acknowledged, had a positive impact upon state government and all Alabamians during his legislative tenure on major standing committees, including Judiciary, Finance and Taxation, Governmental Affairs, Education, and Health; and

WHEREAS, he earned a B. S. Degree from Auburn University; ably served as president of Sigma Pi Fraternity; and was a graduate of both the Birmingham School of Law and the Command and General Staff College; he ultimately retired from the Alabama National Guard as an Inspector General for the State; and

WHEREAS, Mr. Cook, who sponsored legislation which created the Alabama Sports Hall of Fame and the Birmingham Convention and Visitors Bureau, served with distinction and honor in numerous civic, trade, and fraternal organizations, including president of the Dixie Shrine Association and Potentate of Zamora Shrine Temple; board chairman of the Alabama Trucking Association; and as chairman of the Alabama Sports Hall of Fame Induction Committee; and

WHEREAS, he also provided exemplary leadership as a board member of the Greater Birmingham Chamber of Commerce, Birmingham and Visitors Bureau, head coach of The Birmingham Touchdown Club, and as an active member of the Vestavia Country Club; and

WHEREAS, left to cherish the memories of Mr. Cook are Patsy Elliott Cook; daughter, Pamela Cook; grandson, Elliott Cook; brother and sister-in-law, Ocie M. and Brandi Cook, Jr., sisters and brothers-in-law, Iona and Perry Pitts, Mary Ellen and Harold Oaks, Carolyn and Glenn McConnell; and sister, Carol Thompson; and

WHEREAS, Mr. John Watson "Doug" Cook will indeed be remembered for his esteemed record of personal, professional, public service, and civic achievements, as well as his integrity and steadfast devotion to the betterment of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sorrowfully mourn the death of John Watson "Doug" Cook, our friend and colleague, and extend our very deepest sympathy to his loving family, for whom a copy of this resolution of sincere condolence is provided.

Approved December 6, 1999

Time: 2:02 P.M.

Act No. 99-678

S.J.R. 17 – Senators Little (T), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF ROBERT FRALEY OF ORLANDO, FLORIDA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the tragic and untimely death of Robert Fraley, of Orlando, Florida, on October 25, 1999; and

WHEREAS, born in Winchester, Tennessee, on February 3, 1953, Mr. Fraley was a graduate of Franklin County High School; earned a Bachelor of Science Degree at the University of Alabama in Tuscaloosa, followed by a law degree from the University of Alabama School of Law; and earned a Master's Degree in Taxation from the University of Florida Law School in Gainesville; and

WHEREAS, Mr. Fraley, who was affectionately known as the "Winchester Rifle," played intercollegiate football under the legendary Paul "Bear" Bryant, where he was a member of the Southeastern Conference Academic All-SEC Football Team, and a quarterback on the 1973 team that finished 11-0 and played for a national championship; he also was a recipient of the Charlie Compton Award, presented to the senior athlete at the University of Alabama who demonstrates outstanding Christian character and leadership; and

WHEREAS, he began his legal career in Nashville, Tennessee, and later joined Holland and Knight in Lakeland, Florida; Mr. Fraley was the founder and chairman of the successful Leader Enterprises, an Orlando, Florida, sports management and marketing company, which specializes in representing some of the top names in professional sports; and

WHEREAS, the grievous death of Robert Fraley of Orlando, Florida, has indeed left a deep void in the heart of his loving wife, Dixie Johnston Fraley, formerly of Auburn, Alabama; his father,

Charles Fraley; and countless other individuals, who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express regret at the tragic death of Robert Fraley, and extend heartfelt sympathy to his bereaved wife, Dixie, for whom a copy of this resolution of sincere condolence shall be provided.

Approved December 6, 1999

Time: 2:03 P.M.

Act No 99-679

S.J.R. 18 Senators Holley, Dial, Butler, Callahan, Smith, Mitchell, Little (Z), Clay, Lipscomb, Little (T), Lee, Langford, Bedford, Armistead, Barron, Biddle, Denton, Dixon, Enfinger, Escott-Russell, Figures, French, Lindsey, Marsh, McClain, Means, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

COMMENDING COMMAND SERGEANT MAJOR RONALD W. BEDFORD OF OZARK, ALABAMA.

WHEREAS, it is with special appreciation that Command Sergeant Major Ronald "Ron" W. Bedford of Ozark, Alabama, is commended for his 1,500 mile walk to raise support for a \$100 million memorial in Washington, D. C., honoring Veterans of World War II, which its supporters hope to complete by Veterans Day 2000; and

WHEREAS, CSM Bedford was inspired by his father and the movie, "Saving Private Ryan," to undertake the 1,500 mile walk, which includes 2.8 million steps, and was sponsored by the Non-Commissioned Officers Association of the United States of America based in San Antonio, Texas; and

WHEREAS, earning respect and admiration with his generous spirit and great sensitivity to the needs of others, CMS Bedford, during the course of his journey, met the first Marine to plant the American flag on Iwo Jima; the oldest remaining survivor of the USS Lexington, which went down in the Battle of the Coral Sea;

and a South Carolina family whose seven brothers served with honor during World War II; and

WHEREAS, during his journey, Command Sergeant Major Bedford was joined at Mount Vernon, Virginia, by nine companions, including fellow Ozark, Alabama, veteran Fred Boswell, and Greg Johnson, the United States Navy's 1999 Sailor of the Year, as well as countless other well-wishers; and

WHEREAS, throughout his illustrious military career, Command Sergeant Major Ronald W. Bedford has served his country with valor and distinction and reflects great credit upon himself and the United States Army; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Command Sergeant Major Ronald W. Bedford for his 1,500 mile walk from Mobile, Alabama, to Washington, D. C., to raise support for a \$100 million memorial honoring the Veterans of World War II, and do further direct that he receive a copy of this resolution in token of our warm praise and in declaration of our admiration of him as an outstanding patriot.

Approved December 6, 1999

Time: 2:04 P.M.

Act No. 99-680

H.J.R. 37 – Rep. McClammy

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RICHARD OLIVER HAMILTON.

WHEREAS, herein recorded with deep sorrow and regret is the death of Richard Oliver Hamilton on September 22, 1999; and

WHEREAS, Richard Hamilton was born to the late Vivian Hamilton Goldthrift on September 15, 1947, and confessed Christ at an early age, and at the time of his death, he was a faithful member and leader of the New Harvest Church of Christ; Mr. Hamilton was educated in the Montgomery Public School System and received a Bachelor of Science Degree in Business from Auburn University at Montgomery; and

WHEREAS, recently retired, Richard Hamilton was employed by the State of Alabama Department of Mental Health and Mental Retardation for 22 years; he began his career with the department in 1977 at Bryce Hospital in Tuscaloosa, Alabama, and after receiving a meritorious promotion, he returned to Montgomery and served as the Personnel Specialist at the Central Administrative Office; and

WHEREAS, additionally, Richard Hamilton served the Department of Mental Health and Mental Retardation as Employee Assistance Officer and as the Americans with Disabilities Officer, and was a member on the Cultural Diversity Task Force, as well as provided extraordinary service for more than eight years on the Alabama Developmental Disabilities Planning Council; and

WHEREAS, Richard Hamilton provided distinguished service to the Board of the Easter Seal Central Alabama Rehabilitation and Career Center for 12 years; at the time of his death, he was Secretary to the Board and Chairperson of the Personnel Committee and was responsible for the development of the Personnel Handbook and the Affirmative Action Plan; in appreciation for his superior achievement and outstanding leadership in the Alabama State Employees Combined Charitable Campaign, Mr. Hamilton was presented the Gold Award; and

WHEREAS, Richard Hamilton was the epitome of personal courage, kindness, goodness, and sincerity, and a source of abiding strength and motivation, and will be sorely missed by those who knew and loved him; and,

WHEREAS, left to cherish the memory of Richard Oliver Hamilton are his beloved wife, Lela; son and daughter-in-law, Tony and Roshanda; daughter, Latoya; granddaughters, Danielle and Dominique; brother, Alfred Hamilton; sisters, Cynthia Allen and Jacqueline Zielinski; and a host of many other relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Richard Oliver Hamilton and heartfelt sympathy is extended to his family and friends, and it is directed that a copy of this resolution of sincere condolence be provided.

Approved December 6, 1999

Time: 2:05 P.M.

Act No. 99-681

H.J.R. 40 – Reps. Carothers, Allen, Baker, Bandy, Beasley, Beason, Black (L), Black (M), Boothe, Boyd, Buskey, Carns, Carter, Clark, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Dunn, Ford, Ford (J), Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Grantland, Greene,

Greeson, Guin, Hall (A),
 Hall (L), Hamilton, Hammett,
 Haney, Hawk, Hawkins,
 Hayden, Hill, Hilliard, Hogan,
 Holmes, Hooper, Houston,
 Hubbard, Humphryes, Hurst,
 Jackson, Johnson, Jones,
 Kennedy, Knight, Laird,
 Layson, Letson, Lindsey,
 Major, Mancuso, Martin,
 Maull, McClammy,
 McClurkin, McDaniel, McKee,
 McMillan, Melton, Millican,
 Mitchell, Morrison, Morrow,
 Morton, Newton (C),
 Newton (D), Oden, Page,
 Parker (T), Parker (W),
 Payne, Penry, Perdue,
 Pringle, Robinson (J),
 Robinson (O), Rogers (J),
 Rogers (M), Sanderford,
 Sanderson, Schmitz,
 Seibenhener, Spicer, Starkey,
 Thigpen, Thomas (D),
 Thomas (E), Thomas (J),
 Turner, Vance, Venable,
 Warren, White, Willis and
 Wren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LINDA BETHEA WEST OF DAPHNE, ALABAMA.

WHEREAS, noted with deep and profound sorrow is the lamentable death of Linda Bethea West, a lifelong resident of Daphne, Alabama, on October 12, 1999, who stood as a testament for others who strive for the best in personal, professional, public, and community life; and

WHEREAS, a devout Christian in persuasion and deed at Grace Presbyterian Church, Ms. West also provided invaluable service as a member of the Southern Legislative Conference and Governor's Conference, and with her generous spirit and talented leadership, as a member of a Mobile Mystic Society, the Optimist Club, and the Kiwanis Club; and

WHEREAS, additionally, she was an active delegate to People to People, where she earned the respect and highest regard of all with whom she was associated; and

WHEREAS, left to cherish the memory of Linda Bethea West are her loving children Beazer McMichael, Laverne McMichael Adams, Laurie Ann McMichael, and Jeffery Scott and his wife, Beth; her mother, Geneva Bethea; a brother, Bubba Bethea; sisters and brothers-in-law, Joy and John Zoghby and Debbie and Mickey Bosarge; and two grandchildren, Joshua Adams and Lauren Adams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Linda Bethea West of Daphne, Alabama, and extend deepest sympathy to her family, whose sorrow we share, and for whom a copy of this resolution shall be provided.

Approved December 6, 1999

Time: 2:06 P.M.

Act No. 99-682

H.J.R. 41 – Rep. Ford (J)

HOUSE JOINT RESOLUTION

RECOGNIZING OCTOBER 17, 1999, AS THE INTERNATIONAL DAY FOR ERADICATION OF POVERTY.

WHEREAS, in 1996, the General Assembly of the United Nations designated 1997-2006 as the International Decade for the Eradication of Poverty; and

WHEREAS, the grim reality is that today more than one billion people worldwide exist on less than one dollar (\$1.00) daily, even though the resources and knowledge are available to eradicate poverty; and

WHEREAS, the United Nations Development Programme (UNDP) published report “The Human Development Report” notes that even the world’s richest nations are home to more than 100 million persons whose income falls below the poverty line; and that poverty creates death and illness, endangers natural resources indispensable to life, and compromises the future of the entire planet; and

WHEREAS, in view of the ongoing plight of the world’s population that is threatened by poverty, the UN General Assembly designated October 17, 1999, as the International Day for the Eradication of Poverty; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize October 17, 1999, as the International Day for the Eradication of Poverty; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize October 17, 1999, as the International Day for the Eradication of Poverty.

Approved December 6, 1999

Time: 2:07 P.M.

Act No. 99-683

H.J.R. 43 – Reps. Jones and Hall (A)

HOUSE JOINT RESOLUTION

CONGRATULATING SARAH NICOLE MORRIS AS RECIPIENT OF THE FLINT RIVER BAPTIST CHURCH YOUTH ACHIEVEMENT AWARD.

WHEREAS, heartiest congratulations are hereby accorded Sarah Nicole Morris as winner of the coveted Youth Achievement Award sponsored by Flint River Baptist Church in Hazel Green, Alabama; and

WHEREAS, Sarah Nicole is a devout and deeply dedicated Christian, who continually and faithfully serves her Lord and Savior Jesus Christ in countless Christian related activities, including the adult and youth choirs and church orchestra, and is a shining representation of selfless love; and

WHEREAS, a student at Buckhorn High School in Madison County, Alabama, Sarah Nicole is an exceptionally bright and talented student, whose school activities and honors include Senior Class President, National Honor Society, A/B Honor Roll, Yearbook Editor, and member of the Softball Team; and

WHEREAS, named Who's Who Among American High School students, she also is deserving of highest praise for her outstanding contributions as a member of the Fellowship of Christian Students and Fellowship of Christian Athletes; and

WHEREAS, Sarah Nicole's awards and honors were reaped through hard work and dedication as a member of the Huntsville-Madison County Youth Advisory Council and Huntsville-Madison County Chamber of Commerce Youth Leadership program, and the people of Alabama are proud to recognize students of her caliber, who display a keen sense of competitive spirit and community involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Sarah Nicole Morris as recipient of the Youth

Achievement Award sponsored by the Flint River Baptist Church of Hazel Green, Alabama, and do further commend that a copy of this resolution be presented to her with sincere praise and honor.

Approved December 6, 1999

Time: 2:08 P.M.

Act No. 99-684

H.J.R. 44 – Rep. Venable

HOUSE JOINT RESOLUTION

COMMENDING THE 1999 WETUMPKA YMCA CUBS FOOTBALL TEAM, "THE CLOSING OUTLET."

WHEREAS, it is with great pride and pleasure that the Alabama House of Representatives most heartily congratulates the 1999 Wetumpka YMCA Cubs, "The Closing Outlet," which finished a spectacular undefeated record of 9-0 in the eight to nine-year old football division on November 6, 1999; and

WHEREAS, "The Closing Outlets" won their first playoff game against the Tuskegee YMCA, "Scoring for Life," 28-0, which guarantees them a deserving spot before countless fans at Crampton Bowl on November 27, 1999; and

WHEREAS, members of this talented group of athletes, of whom we are justly proud, are: Hunter Saint, Cody Lee, Reako King, Robby Elliott, Joshua Crawford, William Filhiol, T.J. Gibson, Ty Williams, Jesse Parrish, Ladarious Mitchell, Chase Thornton, Reginald Golden, William Jones, Chad Lashley, Jeremy Pike, Christopher Watson, Stephen Todd, Lee Thrasher, and Albert Long; and

WHEREAS, these young men, under the skillful leadership and astute guidance of coaches Don Lee, Mark Parrish, Reggie Simms, Ronnie Williams, Tom Gibson, and Jamie Thornton, have shown great desire and determination as a team to play to the best of their abilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the 1999 Wetumpka YMCA Cubs, "The Closing Outlet," on their undefeated season, and do further direct that a copy of this resolution be presented to each member and the coaches of this football team as an expression of our sincere regard and best wishes for the future.

Approved December 6, 1999

Time: 2:09 P.M.

Act No. 99-685

H.J.R. 47 – Rep. Gipson

HOUSE JOINT RESOLUTIONCOMMENDING THE AUTAUGA ACADEMY GENERALS
ON WINNING THE AISA CLASS A STATE CHAMPIONSHIP.

WHEREAS, highest commendations and congratulations are herein extended to the Autauga Academy Generals on winning the AISA Class A State Championship on November 19, 1999; and

WHEREAS, in a quest for the state title, the Generals marched over 10 opponents during the regular season, defeated two opponents in play-off action, and brought home the state championship with a 28-27 victory over the Chambers Academy Rebels, capping the season with a perfect 13-0 record, the best ever for a Generals' team; and

WHEREAS, using the mantra, "Unfinished Business," the Autauga Academy Generals scored 468 points in 13 games, holding their opponents to under 200 points for the season and averaged over 360 yards per game in total offense, while giving up an average of less than 200 yards per game; and

WHEREAS, the State of Alabama can be proud of athletic competitors the caliber of the Autauga Academy Generals who admirably represented their school, community, and state throughout their brilliant season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That That the Autauga Academy Generals are recognized, honored, and commended for their dedication, determination, and will-to-win spirit which culminated in an outstanding season and the AISA Class A State Championship, and will be provided a copy of this resolution, in sincere tribute and esteem, for appropriate presentation and display with best wishes for future success.

Approved December 6, 1999

Time: 2:10 P.M.

Act No. 99-686

H.J.R. 48 – Reps. Hooper and Hawkins

HOUSE JOINT RESOLUTION

COMMENDING THE PROFESSIONAL AND CIVIC SERVICE OF FRANK HOWARD HAWTHORNE.

WHEREAS, in a desire to acknowledge and commend exceptional Alabamians, it is with great pleasure that Frank Howard Hawthorne is recognized for his outstanding professional and civic service; and

WHEREAS, Frank Howard Hawthorne was born to William "Buck" Blackwell Hawthorne and Elizabeth "Bessie" Louise Greene Hawthorne in Hope Hull, Alabama, on September 16, 1923; he and his wife of more than 47 years, the former Esther Rae Wille of Shreveport, Louisiana, are the proud parents of three devoted children, Frank Howard Hawthorne, Jr., Raymond James "Corky" Hawthorne, and Mary Jule Hawthorne Burleson; and

WHEREAS, Frank Hawthorne graduated from Sidney Lanier High School in Montgomery, Alabama, and Auburn University where he was president of his fraternity and the Interfraternity Council and a member of Omicron Delta Kappa; he received his law degree from the University of Alabama, where he served as an instructor and was President of Omicron Delta Kappa; and

WHEREAS, in 1949, Frank Hawthorne joined the law firm of Martin, Turner, and McWhorter, now known as Balch and Bingham, LLP, where he was a partner and practiced for more than 44 years; he continues to practice law and is Of Counsel with the firm Hawthorne, Hawthorne, and Vance, LLC, and has served actively in the American, Alabama State, and Montgomery County Bar Associations; and

WHEREAS, Frank Hawthorne has served in the leadership of a number of civic, charitable, and literary organizations, including Goodwill Industries, National Foundation, the Montgomery Library Board, Pioneers of Montgomery, Landmarks Foundation of Montgomery, Newcomen Society in North America, the Thirteen Literary Club, the Montgomery Country Club, and St. John's Episcopal Church; and

WHEREAS, Frank Hawthorne has faithfully supported Auburn University for many years, having served on the executive committee of its national alumni association, and as President of the Montgomery Auburn Club, and also through the establishment of the Greene-Hawthorne Endowment Fund at Auburn University; and

WHEREAS, Frank Hawthorne reveres the legislative process, having served as a legislative page as a young man, and later becoming chief lobbyist for the Alabama Power Company, serving as legal counsel and later as its consultant on governmental affairs for over 50 years; and

WHEREAS, Frank Hawthorne's legal training and in-depth understanding of the Alabama Constitution and our legislative process, along with his capacity for working with public and private citizens, have served his clients well and enabled him to offer valuable counsel in connection with many significant legislative matters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Frank Howard

Hawthorne is hereby commended on his numerous accomplishments, and it is directed that he receive a copy of this resolution so that he and his family may know of our warm personal regards, as we wish him continued success in his many endeavors.

Approved December 6, 1999

Time: 2:11 P.M.

Act No. 99-687

H.J.R. 51 – Reps. Hooper and McKee

HOUSE JOINT RESOLUTION

COMMENDING FORMER MAYOR EMORY FOLMAR ON HIS DISTINGUISHED PUBLIC SERVICE TO THE CITY OF MONTGOMERY, ALABAMA.

WHEREAS, highest commendation and heartiest congratulations are herein extended to former Mayor Emory Folmar for his long and distinguished service as Mayor of Montgomery, Alabama, for more than 22 years; and

WHEREAS, Emory Folmar served his country with honor and patriotism as a Lieutenant in the United States Army and garnered numerous prestigious awards, including the Silver Star, Purple Heart, Combat Infantry Badge, the Korean Campaign Medal with Three Stars, and the Croix de Guerre with Bronze Palm; he later established a successful business following his graduation from the University of Alabama; and

WHEREAS, during Mayor Folmar's tenure, quality city services were a hallmark of his administration, including the city's financial commitment to the support of the Montgomery Public Schools; the Dixie playing fields owned, operated, and maintained by the Montgomery Parks and Recreation; the construction of the Outer Loop; and the foundation for the Riverfront Development; and

WHEREAS, an outstanding businessman and dedicated public servant with hands-on leadership, Mayor Folmar was instrumental in the city's support of the Alabama Shakespeare Festival, the Kershaw YMCA, the Montgomery Chamber of Commerce, and in establishing good relations with the Air Force through Montgomery-owned land at Maxwell Air Force Base and its Gunter Annex; and

WHEREAS, enjoying every facet of his public duties, Mayor Folmar was as comfortable riding along on a garbage truck as he was working in his office at City Hall; he took the helm of the city in 1977 during troubled times to give city government needed stability,

while leaving the city budget in sound fiscal shape and city streets and facilities in sound physical shape; and

WHEREAS, he was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and education activities, and was a very caring person whose concern for his family, friends, and the Montgomery Community was reflected daily through his many endeavors on their behalf; and

WHEREAS, Mayor Folmar married his loving and supportive wife, Anita Wirth Pierce, on February 2, 1952, and she complemented him as an extraordinary First Lady who actively and effectively supported the community, most notably in the United Way Campaign and the Montgomery Ballet Company; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mayor Emory Folmar is commended and thanked for a long and distinguished record of public service and, it is further directed that he receive a copy of this resolution as evidence of our appreciation and admiration with sincere best wishes for continued good health and happiness in all future endeavors.

Approved December 6, 1999

Time: 2:12 P.M.

Act No. 99-688

S.J.R. 22 – Senators Little (T), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF EVLYN BARNETT SAMFORD OF OPELIKA, ALABAMA.

WHEREAS, the Alabama Legislature records with deep sorrow and regret the death of Evlyn Barnett Samford of Opelika, Alabama, on November 17, 1999, at the age of 88 years; and

WHEREAS, Evlyn Samford was born on September 21, 1911, the daughter of the late Mr. and Mrs. Gus Baker Barnett of Monroeville; she graduated from Montevallo College and, in 1932, she taught school in Clayton and then worked for the State of Alabama Welfare Department; and

WHEREAS, although a native of Monroeville, Evlyn Samford lived most of her life in Opelika; she moved to Opelika in 1935, and for 11 years, she taught school in the Opelika School System as a math and chemistry teacher at Opelika High School and served as assistant principal for three years before marrying her husband, the late William James Samford, who was a local attorney; and

WHEREAS, as a faithful member of the First United Methodist Church for more than 50 years, Mrs. Samford held several positions within the church and was active in the children's and youth departments for many years, as well as taught the Strickland Sunday School Class; during her membership, Mrs. Samford served in many capacities and was actively involved as a member of the Administrative Board, the United Methodist Women, the Finance Committee, the Work Area on Missions, and the Council on Ministries, and as a Trustee; additionally, she served for 25 years on the United Methodist Church Homes for the Aging Board and was elected Director Emeritus in 1993; and

WHEREAS, also, Mrs. Samford served for several years on the Foundation Board of the Alabama School for the Deaf and Blind, and was a member of the Twentieth Century Study Club and the Thallus Club; and

WHEREAS, Evlyn Samford was a prominent and highly regarded member of her community, and her death has left a deep void in the lives and hearts of her beloved family, her many friends, and her church; and

WHEREAS, left to cherish the memory of Evlyn Samford are her children, Lucinda Samford Cannon and William James Samford, Jr.; grandson, Edmund Rasha Cannon; brothers, Norman Morgan Barnett and William Humphries Barnett and his wife, Roma Barnett; sister-in-law, Aileen Maxwell Samford; and many nieces and nephews; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Evlyn Barnett Samford and heartfelt sympathy is extended to her family and friends, and it is directed that a copy of this resolution of sincere condolence be provided.

Approved December 6, 1999

Time: 2:13 P.M.

Act No. 99-689

S.J.R. 23 – Senators Little (T), Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF HENRY BASCOM STEAGALL, II, OF OZARK, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of our friend and former colleague, Henry Bascom Steagall, II, of Ozark, Alabama, on November 20, 1999, at the age of 77 years; and

WHEREAS, Henry Steagall was a former Alabama Supreme Court Justice who also served our state as a four-term State Representative, as State Finance Director, and as Executive Secretary to the Governor; and

WHEREAS, Henry Steagall was born in Abbeville on September 4, 1922, the son of the late Susan Koonce Steagall and Orlando Marvin Steagall, and was named for his uncle, United States Congressman Henry Bascom Steagall; he was a graduate of Auburn University and the University of Alabama School of Law where he was a member of the Editorial Board and the Alabama Law Review; he served three years of active duty in the Pacific Theater during World War II as a member of the United States Navy; and

WHEREAS, in 1951, Henry Steagall began the practice of law and continued his legal career until 1986, except for the periods that he served as Executive Secretary to the Governor and State Finance Director, both under the late Governor George C. Wallace; during his legal career, he served in the Alabama Legislature from 1954 to 1970 as a State Representative from Dale County, and also served as State Bar Commissioner for the 33rd Judicial Circuit and was a member of the Alabama and American Bar Associations; and

WHEREAS, Henry Steagall was appointed to the Alabama Supreme Court and assumed the office of Associate Justice in 1986; he was elected to a full term in the next general election, and retired from the court in 1995; and

WHEREAS, Henry Steagall was a faithful member of the First United Methodist Church of Ozark and a former Chairman of the Administrative Board, and was an active member of his community who was a Mason and a charter member and past president of the Ozark Rotary Club, as well as a member of the VFW and the American Legion; and

WHEREAS, additionally, Henry Steagall served as a member of the Auburn University Board of Trustees for 16 years and as President Pro Tempore of the Auburn Board; in 1996, he was awarded an Honorary Doctor of Laws Degree from Auburn University; and

WHEREAS, a truly commendable Alabamian, Henry Steagall was a devoted public servant who served the State of Alabama with great leadership ability, integrity, and tireless devotion, and his enduring accomplishments and superior record of service will not soon be forgotten; and

WHEREAS, left to cherish the memory of Henry Steagall are his beloved wife, Frances Rector Steagall; son and daughter-in-law, Henry B. Steagall, III, and Frances Steagall; daughter and son-in-law, Susan Steagall Brown and Clarence Brown; son and daughter-in-law, Fred Rector Steagall and Patti Steagall; grandchildren, Amy Luck, Brantley Steagall, Jamison and Maren Brown, Spencer, Scott, and Mary Frances Steagall; great grandchildren, Lacy and Adam Luck; nephews, James Solomon, Jr., and Tom Atkeson; and niece, Mary Atkeson Gibson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as we stand in tribute to the accomplishments of Henry Bascom Steagall, II, we mourn his death with a deep sense of sadness and loss and, by copy of this resolution, extend heartfelt sympathy to his family, friends, and associates.

Approved December 6, 1999

Time: 2:14 P.M.

Act No. 99-690

S.J.R. 25 – Senators Figures, Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (T), Little (Z), Marsh, McClain, Means, Mitchell,

Mitchem, Myers, Poole,
Preuitt, Roberts, Sanders,
Smith, Smitherman, Steele,
and Waggoner

SENATE JOINT RESOLUTION

COMMENDING AMBASSADOR J. GARY COOPER AS THE
1999 PATRIOT OF THE YEAR.

WHEREAS, it is with highest commendation that our friend and former colleague, Ambassador J. Gary Cooper is recognized on his selection as the 1999 Patriot of the Year by the Mobile Bay Area Veterans Day Commission at their annual Veterans Day luncheon held on November 11, 1999, at the Mobile Convention Center in Mobile, Alabama; and

WHEREAS, Ambassador Cooper is currently the Chairman of the Board and Chief Executive Officer of Commonwealth National Bank, and serves on the Board of GenCorp, a Fortune 200 corporation; and

WHEREAS, during his long and varied career as a military, government, and business leader, Ambassador Cooper has held many high ranking positions, including serving as the first African American United States Ambassador to Jamaica, a position he held from 1994 to 1997; prior to that appointment, he served as the senior vice president of David Volkert and Associates, one of the top national engineering and architectural firms; and

WHEREAS, in 1989, Ambassador Cooper was appointed by President Bush and confirmed by the United States Senate as the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and the Environment, and participated in the planning of Operation Desert Storm; and

WHEREAS, additionally, Ambassador Cooper was selected to serve as the Commissioner of the Alabama State Department of Human Resources by the Governor of Alabama in 1978; in this position, he supervised a staff of more than 4,000 employees and managed the largest agency budget in the State of Alabama; prior to that appointment, he was one of the first African Americans since Reconstruction elected to the Alabama State Legislature; and

WHEREAS, Ambassador Cooper proudly served our country as an active duty Marine Corps officer from 1958 to 1970; during his eminent military career, he reached the rank of Major General, and earned the Distinguished Service Medal, the Legion of Merit, the Bronze Star, two Purple Hearts, and the Republic of Vietnam Gallantry Cross with Palm, Silver, and Bronze Stars; in Vietnam, he became the first African American officer to lead an infantry

company into combat in Marine Corps history and, later, commanded a Marine reserve unit; Ambassador Cooper returned to active duty as Director of Personnel Procurement, Headquarters, United States Marine Corps; and

WHEREAS, Ambassador Cooper is married to the former Beverly Martin of Virginia; he is the proud father of Patrick Cooper, Joli Cooper Nelson, and Shawn Cooper and the loving grandfather of Sophie, Celia, Ashley, and Alana, and is anxiously awaiting the birth of his fifth grandchild; and

WHEREAS, the contributions made by Ambassador Cooper to our nation and the State of Alabama are invaluable, and as a result of his dedication, he has succeeded in compiling an impressive record of professional achievements, a record that has earned for him the admiration and respect of those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Ambassador J. Gary Cooper is commended for his outstanding professional achievements and is congratulated on receiving the 1999 Patriot of the Year award from the Mobile Bay Area Veterans Day Commission, and it is directed that Ambassador Cooper receive a copy of this resolution as an expression of sincere personal regard with best wishes for continuing success.

Approved December 6, 1999

Time: 2:15 P.M.

Act No. 99-691

S.J.R. 26 – Senator Denton

SENATE JOINT RESOLUTION

COMMENDING WILLIAM METCHNIK FOR OUTSTANDING ACCOMPLISHMENTS IN THE LABOR MOVEMENT.

WHEREAS, it is with highest commendation that William Metchnik is recognized for his outstanding accomplishments in the Labor Movement on the occasion of his retirement; and

WHEREAS, retiring on January 31, 2000, William Metchnik, widely known as “Bill,” has served the Labor Movement for more than 40 years as a machinist giving of his time and talent as an officer of his local lodge, as a Business Representative, as a Directing Business Representative, as District President, as President of the Alabama State Council of Machinists, and on the Executive Board of the Alabama AFL-CIO; and

WHEREAS, active in the entire political process, not only in the Shoals area, but all over the State of Alabama, Bill Metchnik has been an energetic supporter of the Machinists' Non-Partisan Political League, and effective in getting Labor to endorse candidates; and

WHEREAS, additionally, Bill Metchnik has participated in Guide Dogs of America, a charity which funds the training of guide dogs and partners the dogs with people who need them; and

WHEREAS, with integrity, ability, and tireless devotion, Bill Metchnik has served the Labor Movement throughout his career and is respected and revered by all those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That William Metchnik is commended for his outstanding accomplishments in the Labor Movement and is congratulated on the occasion of his retirement, and it is directed that he receive a copy of this resolution as an expression of sincere personal regard with best wishes for a rewarding and gratifying retirement.

Approved December 6, 1999

Time: 2:16 P.M.

Act No. 99-692

S.J.R. 28 – Senators Holley, Mitchell, Smith, Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Langford, Lee, Lindsey, Lipscomb, Little (T), Little (Z), Marsh, McClain, Means, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smitherman, Steele, and Waggoner

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF HENRY BASCOM STEAGALL, II, OF OZARK, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of our friend and former colleague, Henry Bascom Steagall, II,

of Ozark, Alabama, on November 20, 1999, at the age of 77 years; and

WHEREAS, Henry Steagall was a former Alabama Supreme Court Justice who also served our state as a four-term State Representative, as State Finance Director, and as Executive Secretary to the Governor; and

WHEREAS, Henry Steagall was born in Abbeville on September 4, 1922, the son of the late Susan Koonce Steagall and Orlando Marvin Steagall, and was named for his uncle, United States Congressman Henry Bascom Steagall; he was a graduate of Auburn University and the University of Alabama School of Law where he was a member of the Editorial Board and the Alabama Law Review; he served three years of active duty in the Pacific Theater during World War II as a member of the United States Navy; and

WHEREAS, in 1951, Henry Steagall began the practice of law and continued his legal career until 1986, except for the periods that he served as Executive Secretary to the Governor and State Finance Director, both under the late Governor George C. Wallace; during his legal career, he served in the Alabama Legislature from 1954 to 1970 as a State Representative from Dale County, and also served as State Bar Commissioner for the 33rd Judicial Circuit and was a member of the Alabama and American Bar Associations; and

WHEREAS, Henry Steagall was appointed to the Alabama Supreme Court and assumed the office of Associate Justice in 1986; he was elected to a full term in the next general election, and retired from the court in 1995; and

WHEREAS, Henry Steagall was a faithful member of the First United Methodist Church of Ozark and a former Chairman of the Administrative Board, and was an active member of his community who was a Mason and a charter member and past president of the Ozark Rotary Club, as well as a member of the VFW and the American Legion; and

WHEREAS, additionally, Henry Steagall served as a member of the Auburn University Board of Trustees for 16 years and as President Pro Tempore of the Auburn Board; in 1996, he was awarded an Honorary Doctor of Laws Degree from Auburn University; and

WHEREAS, a truly commendable Alabamian, Henry Steagall was a devoted public servant who served the State of Alabama with great leadership ability, integrity, and tireless devotion, and his enduring accomplishments and superior record of service will not soon be forgotten; and

WHEREAS, left to cherish the memory of Henry Steagall are his beloved wife, Frances Rector Steagall; son and daughter-in-law,

Henry B. Steagall, III, and Frances Steagall; daughter and son-in-law, Susan Steagall Brown and Clarence Brown; son and daughter-in-law, Fred Rector Steagall and Patti Steagall; grandchildren, Amy Luck, Brantley Steagall, Jamison and Maren Brown, Spencer, Scott, and Mary Frances Steagall; great grandchildren, Lacy and Adam Luck; nephews, James Solomon, Jr., and Tom Atkeson; and niece, Mary Atkeson Gibson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as we stand in tribute to the accomplishments of Henry Bascom Steagall, II, we mourn his death with a deep sense of sadness and loss and, by copy of this resolution, extend heartfelt sympathy to his family, friends, and associates

Approved December 6, 1999

Time: 2:17 P.M.

Act No. 99-693

S.J.R. 29 – Senators Waggoner, Armistead, Barron, Bedford, Biddle, Butler, Callahan, Clay, Denton, Dial, Dixon, Enfinger, Escott-Russell, Figures, French, Holley, Langford, Lee, Lindsey, Lipscomb, Little (T), Little (Z), Marsh, McClain, Means, Mitchell, Mitchem, Myers, Poole, Preuitt, Roberts, Sanders, Smith, Smitherman, and Steele

SENATE JOINT RESOLUTION

CONGRATULATING RANDY OWEN ON THE OCCASION OF HIS 50TH BIRTHDAY.

WHEREAS, happiest 50th birthday wishes are hereby extended to Randy Owen, a founder, songwriter, rhythm guitarist, and lead singer of the most popular and enduring contemporary country band of all time, Alabama, as he celebrates this significant occasion with his family and friends on November 30, 1999, at the Richard M. Scrushy Center in Birmingham, Alabama; and

WHEREAS, Randy Yeuell Owen was born in Fort Payne, Alabama, on December 13, 1949, and has spent most of his life in the fine City of Fort Payne where the sun shines bright and the friendly people put up with all that ruckus coming from his home; and

WHEREAS, Randy believes that hard work promotes character building and he has never forgotten his early years as a construction worker and a farmer before he turned to music full-time in 1973 when he and the band performed in a honky-tonk called The Bowery in Myrtle Beach, South Carolina, where they played a little of everything, including rock, country, pop, dance music, and rhythm and blues, to survive; and

WHEREAS, Randy and his fellow musicians have produced such hits as "My Retirement Home's in Alabama," "Dancin' Shaggin' Coughin' Wheezin' On the Boulevard," and that all time, best selling hit, "Mountain Muzak"; and

WHEREAS, on a more serious note, Alabama is the most awarded act in the history of the American Music Awards, and was named the ACM and CMA "Entertainer of the Year" for three years in a row in 1982, 1983, and 1984, and "Artist of the Decade" in 1989; and

WHEREAS, Alabama has been on the charts longer than any other contemporary country act and has more chart topping singles than any band in music history with an astonishing total of 42 number one songs, making Alabama one of the 10 biggest selling bands in the annals of popular music; and

WHEREAS, Randy is a devoted family man and has spent many wonderful years with his lovely wife, Kelly, and together they have successfully raised three children, Alison, Randa, and Heath; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartiest birthday wishes are extended to Randy Owen on the momentous occasion of the 50th anniversary of his birth, and it is directed that he receive a copy of this resolution as an expression of sincere personal regard with best wishes for continuing success, good health, and much happiness.

Approved December 6, 1999

Time: 2:18 P.M.

Act No. 99-694

H. 11 – Rep. Hall (A)

AN ACT

Relating to Madison County; to regulate the location of a petroleum product tank farm.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In Madison County, any petroleum product tank farm must be within five miles of and served by a full-time

paid fire department. The site of any petroleum product tank farm shall be approved by resolution of the county commission if located outside of the corporate limits of a municipality or by resolution of the municipal governing body if located within the corporate limits of a municipality. The petroleum product tank farm operator must provide periodic training and fire protection equipment to the fire department staff, at no cost, for specific risks of fire and spills that could occur. In addition, the petroleum tank farm operator must (a) include all fire protection equipment required by the National Fire Protection Association Code for petroleum products terminals, (b) participate in a mutual aid group within the community to train with and assist in emergencies that could occur at similar facilities, (c) be designed to contain any spill on the petroleum tank farm property, and (d) maintain an emergency response plan that would address fire and petroleum spill hazards.

(b) For the purposes of this act, the term "petroleum product tank farm" means a terminal for the storage of gasoline, diesel fuel, or jet fuel in quantities over one million gallons for loading into tanker trucks.

Section 2. The Madison County Commission shall seek injunctive or remedial relief for any violation of this act as may exist under the general laws of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved December 7, 1999

Time: 11:00 A.M.

Act No. 99 695

H 35 – Rep. Rogers (M)

AN ACT

To amend Section 17-22A-7, Code of Alabama 1975, relating to the acceptance of campaign contributions by candidates, to provide that the prohibition of candidates receiving contributions during certain periods would not apply to loans made by a candidate to his or her principal campaign committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-22A-7, Code of Alabama 1975, is amended to read as follows:

“§17-22A-7.

“(a) A candidate, public official, or principal campaign committee as defined in this chapter, may only use campaign contributions, and

any proceeds from investing the contributions that are in excess of any amount necessary to defray expenditures of the candidate, public official, or principal campaign committee, for the following purposes:

“(1) Necessary and ordinary expenditures of the campaign.

“(2) Expenditures that are reasonably related to performing the duties of the office held. For purposes of this section, expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses, as defined in this chapter.

“(3) Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds. Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U. S. Code.

“(4) Transfers to another political committee as defined in this chapter.

“(5) Inaugural or transitional expenses incurred after October 1, 1995.

“(b) Notwithstanding any other provision of law, including, but not limited to, Section 13A-10-61, a candidate, public official, or principal campaign committee may only accept, solicit, or receive contributions:

“(1) To influence the outcome of an election.

“(2) For a period of 12 months before an election in which the person intends to be a candidate. Provided, however, candidates for state office and their principal campaign committees may not accept, solicit, or receive contributions during the period when the Legislature is convened in session. For purposes of this section, the Legislature is convened in session at any time from the opening day of the special or regular session and continued through the day of adjournment sine die for that session. However, this subdivision shall not apply within 120 days of any primary, runoff, or general election, and shall not apply to the candidates or their principal campaign committees participating in any special election as called by the Governor. This subdivision shall not apply to a loan from a candidate to his or her own principal campaign committee.

“(3) For a period of 120 days after the election in which the person was a candidate, but only to the extent of any campaign debt of the candidate or principal campaign committee of the candidate as indicated on the campaign financial disclosure form or to the extent

of reaching the threshold that is required for qualification as a candidate for the office which he or she currently holds, or both. Notwithstanding the foregoing, the provision of this section dealing with the campaign debt of the candidate or the principal campaign committee of the candidate shall not apply to any prior candidate or current elected official who has filed a verified statement of the debt with the Secretary of State on or before October 1, 1995. The debt must have been created on or before January 1, 1995, and shall be directly related to lawful campaign expenditures.

“(4) For the purpose of paying all expenses associated with an election challenge including, but not limited to, quo warranto challenges.

“(c) Notwithstanding any other provision of law, including, but not limited to, Section 13A-10-61, a candidate, public official, or principal campaign committee shall not accept, solicit, or receive contributions for any of the following reasons:

“(1) As a bribe, as defined by Sections 13A-10-60 to 13A-10-63, inclusive.

“(2) For the intention of corruptly influencing the official actions of the public official or candidate for public office.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:01 A.M.

Act No. 99-696

H. 18 – Rep. Hubbard

AN ACT

To amend Section 7 of Act 99-430 of the 1999 Regular Session, which mandates motor vehicle liability insurance for motorists, to provide further for effective date of a portion of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1. Section 7 of Act 99-430 of the 1999 Regular Session is amended to read as follows:

“Section 7. Section 2 (a) through (e) of this act shall become effective January 1, 2001, upon its passage and approval by the Governor, or upon its otherwise becoming a law. Otherwise, this act shall become effective June 1, 2000, upon its passage and approval by the Governor, or upon its otherwise becoming a law.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:11 A.M.

Act No. 99-697

S. 17 – Senator Butler

AN ACT

To amend Section 32-6-302 of the Code of Alabama 1975, relating to commemorative motor vehicle license plates or tags for certain educators; to provide for the spouse of an owner who has been issued a commemorative plate bearing the words “Educator” or “Retired Educator” to obtain the commemorative license plate or tag; and to specify that the owner or spouse may renew the commemorative license plate or tag upon the continued payment of the regular taxes and fees required by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-302 of the Code of Alabama 1975, is amended to read as follows:

“§32-6-302.

“(a) Owners of motor vehicles or their spouses who are residents of Alabama and who are receiving monthly retirement checks from the Teachers’ Retirement System of Alabama, or who are receiving monthly retirement checks from an education retirement pension program from any other state, shall be eligible to apply for and receive “Retired Educator” commemorative or personalized license tags or plates as provided in this division. Owners of motor vehicles or their spouses who are residents of Alabama and who are currently employed by a public education school system, college, university, institution, or who are active and contributing members of the Teachers’ Retirement System, or who are employed by the State Department of Education, shall be eligible to apply for and receive “Educator” commemorative or personalized license tags or plates as provided in this division.

“An applicant to receive a “Retired Educator” or “Educator” commemorative or personalized license tag or plate for private passenger or motor vehicles shall meet the following criteria:

“(1) Apply to the appropriate judge of probate or commissioner of licenses as the case may be.

“(2) Comply with the state motor vehicle laws, relating to registration and licensing of motor vehicles.

“(3) Pay the regular license fee for license tags or plates as provided by law for private passenger or pleasure motor vehicles.

“(4) Pay an additional annual fee of twenty-five dollars (\$25) for the “Retired Educator” tag or license plate and fifty dollars (\$50) for the “Educator” tag or license plate.

“(5) Present documentation or certification to the appropriate judge of probate or commissioner of licenses, as the case may be, that the applicant is either receiving a monthly allotment as a retired education employee; or, in the case of “Educator” tags or license plates, is currently employed in public education as provided in this section.

“(b) Upon meeting all of the criteria, the applicant shall be issued a personalized motor vehicle license tag or plate upon which, in lieu of the numbers prescribed by law, shall be inscribed special letters, figures, numbers, or other marks, emblems, symbols, or badges of distinction or personal prestige, or combination thereof, as are approved for and assigned to the application by the State Department of Revenue.

“(c) The distinctive commemorative tags provided for in this division shall be issued, printed and processed in the same manner as other personalized tags in Section 32-6-150. The distinctive commemorative tags shall be valid for five years and may be replaced at the end of the period with conventional tags, other personalized tags, or “Educator” or “Retired Educator” tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in Section 32-6-63.

“(d) The Commissioner of Revenue shall approve the distinctive design of the tags or plates provided in this division, and the approval shall be subject to submission of the design by the Education Tag Advisory Committee, which committee shall be strictly voluntary and the members shall serve without pay or remuneration. The Education Tag Advisory Committee shall consist of three members who shall be appointed by the Alabama Education Association. The design of the distinctive tag shall be subject to approval of the Revenue Commissioner and shall comply with all applicable laws and regulations pertaining to car tags and licenses, except that Section 32-6-54 shall not apply to this division.

“(e) Fees collected pursuant to this division shall be transmitted timely to the State Treasurer. After payment to the Department of Corrections for its costs of manufacture and administration of the commemorative tags, the balance shall be transferred by the State Comptroller into the Penny Trust Fund established by Amendment 512 of the Constitution of Alabama of 1901, and as provided in Chapter 15A of Title 41.

“(f) Fees paid pursuant to this division represent a charitable contribution from the purchaser to the Penny Trust Fund.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:05 A.M.

Act No. 99-698

S. 23 – Senator Holley

AN ACT

To amend Sections 3-1-7, 21-7-4, 21-7-6, and 32-5A-220, Code of Alabama 1975, relating to guide dogs for blind and hearing impaired persons, to allow a dog that is being trained by a person who is employed by an accredited school for training guide dogs to be admitted to any place of public accommodation without the payment of an extra charge for admission to such places if the dog is wearing a harness and the person presents credentials that he or she is employed by an accredited school for training guide dogs; and to require the driver of a motor vehicle to take all necessary precautions to avoid injury, and yield the right-of-way when approaching a dog accompanied by a person employed by an accredited school for training guide dogs who provides notice through a sign or other method that he or she is training the dog as a guide dog.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3-1-7, 21-7-4, 21-7-6, and 32-5A-220, Code of Alabama 1975, are amended to read as follows:

“§3-1-7.

“No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion-picture house, public educational institution, or elevator shall refuse to permit a guide dog to accompany a blind person entering the place or making use of the accommodations available when the blind person is being led by the guide dog; if the guide dog is wearing a harness; and the blind person present for inspection credentials issued by an accredited school for training guide dogs or dog being trained by a person employed by an accredited school for training guide dogs. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed fifty dollars (\$50).

“§21-7-4.

“Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, and

every hearing-impaired person shall have the right to be accompanied by a hearing dog, especially trained for the purpose, and every person employed by an accredited school for training guide dogs in any of the places listed in Section 21-7-3 without being required to pay an extra charge for the dog however, the person shall be liable for any damages done to the premises or facilities by the dog.

“§21-7-6.

“The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, or a person employed by an accredited school for training guide dogs who provides notice through a sign or other method that he or she is training a dog as a guide dog shall take all necessary precautions prescribed by law to avoid injury to the blind pedestrian, and the dog trainer. Any driver who fails to take all necessary precautions shall be liable in damages for any injury caused the pedestrian, or the guide dog trainer.

“§32-5A-220.

“The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog, or any person employed by an accredited school for training guide dogs who provides notice through a sign or other method that he or she is training the dog accompanying him or her as a guide dog for the blind.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:07 A.M.

Act No. 99-699

S. 38 – Senators Little (Z) and Butler
AN ACT

To amend Section 40-12-250 of the Code of Alabama 1975, to provide for issuance of a license plate for a vehicle on loan to the state, county, municipality, or agency of the state by the federal government.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-250 of the Code of Alabama 1975, is amended to read as follows:

“§40-12-250.

“(a) Motor vehicles owned and used by the state, or a county, or municipality of this state shall not be subject to the payment of

license taxes levied, but shall display license plates. Any agency which obtains or possesses a vehicle through a lease-purchase or an installment-sales agreement with an option to buy shall be considered as owning the vehicle for purposes of this section. The purchasing agent or other officer of the state, county, or municipality, shall apply to the Department of Revenue giving the make, type, model, and vehicle identification number of the vehicle or vehicles owned and used by the state, county, or municipality, together with any other information the department may require, which shall be furnished under oath by the applying officer. If upon examination the application appears correct to the department, it shall issue, to be placed on the motor vehicles, the number of license plates, to be used on no other vehicle than that for which issued. State license plates shall have the letter "S" and the registration number stamped thereon, county license plates shall have the word "county" and the registration numbers, and municipal license plates shall have the word "municipal" and the registration number stamped thereon. License plates on any vehicle owned by a municipal corporation or a municipal board shall have "PUD", public utility department, and the registration number stamped thereon. All replacement license plates issued for the vehicles shall be similarly stamped or marked. For issuance of these license plates and to cover the expense of administration, the applying agency shall pay the sum of one dollar (\$1) per license plate. The motor vehicle shall be used exclusively in the governmental or corporate functions of the state, county, or municipality to which issued.

"(b) Any person who operates a motor vehicle owned or used by the state or any county or municipality thereof with an improper license plate or without a license plate thereon shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.

"(c) The department may issue license plates for vehicles owned by the United States or any agency thereof which have been loaned to the state or a county or municipality of this state, or to a public agency, including, but not limited to, a volunteer fire department, if the state, county, municipality, or public agency desires to obtain license plates to operate the vehicle on the streets and highways of this state. The license plates shall have words indicating that the vehicle is on loan from the federal government and a registration number. Vehicles displaying these license plates shall be used in accordance with the stipulations wherein the vehicle was loaned to the receiving agency. The license plates may be issued by the department upon application by the state, county, municipality, public corporation, or agency receiving and using the vehicles, and upon payment of one dollar (\$1) per license plate. Upon return of the vehicle to the United States agency, the license plate shall be removed, and may be transferred by the department

to another vehicle loaned by the United States and used by the governmental entity or agency. The department shall promulgate rules and regulations as necessary to implement this subsection.”

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:09 A.M.

Act No. 99-700

H. 12 – Rep. Hall (A)

AN ACT

Relating to Madison County; to prohibit the location of a petroleum product tank farm within one and one-half miles of any existing school; and to provide for the site to be approved by resolution of the local governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In Madison County, no petroleum product tank farm may be constructed within one and one-half miles of any existing school. In addition, the site shall be approved by resolution of the county commission if located outside of the corporate limits of a municipality or by resolution of the municipal governing body if located within the corporate limits of a municipality.

(b) For the purposes of this act, the term “petroleum product tank farm” means a terminal for the storage of gasoline, diesel fuel, or jet fuel in large quantities greater than two hundred thousand gallons for loading into tanker trucks.

Section 2. The Madison County Commission shall seek injunctive or remedial relief for any violation of this act as may exist under the general laws of Alabama.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved December 7, 1999

Time: 11:02 A.M.

Act No. 99-701

S. 7 – Senators Clay and Steele

AN ACT

Relating to the University of West Alabama, a state educational institution, formerly named Livingston University, to amend Sections 16-53-1, 16-53-2, 16-53-3, 16-53-4, 16-53-6, 16-53-7, 16-53-9, and 16-53-12, Code of Alabama 1975, which created a board of trustees of Livingston University and provided for the powers, duties and authority of said board and the governance, supervision, management and control of

the university, so as to clarify and grant the board of trustees of the University of West Alabama exclusive authority over and jurisdiction of the land as well as the buildings and other capital improvements for any campus or other facility; to further provide for the makeup and selection of the board of trustees; to vest the board of trustees with exclusive jurisdiction, supervision and control of the university; to vest the board of trustees with all jurisdiction, power and authority formerly held by the State Board of Education with regard to the supervision, management and control of the university; and to grant the board, with regard to any campus or facility, certain statutory powers granted to a municipality under the laws of this state; to provide that the grant and exercise of such statutory municipal powers shall not change the character or immunity of the university as an arm of the state; to provide the board of trustees with the exclusive jurisdiction over the governance, supervision, management and control of the university and any such campus or facility; to provide for assistance by the state, county or municipality where requested by the board; to provide further for the police powers of university law enforcement officers; and to ratify all acts by the board of trustees and the executive officer lawfully done prior to the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-53-1, 16-53-2, 16-53-3, 16-53-4, 16-53-6, 16-53-7, 16-53-9, and 16-53-12 of the Code of Alabama 1975, are amended to read as follows:

“§16-53-1.

“The Governor and the State Superintendent of Education, by virtue of their respective offices, and the trustees appointed pursuant to Section 16-53-3 and their successors in office are hereby constituted and shall be a body corporate under the name of University of West Alabama, as successor to Livingston University.

“§16-53-2.

“Such corporation shall have all the rights, privileges and franchises necessary to the promotion of the ends of its creation, and shall be charged with all corresponding duties, liabilities and responsibilities. Such corporation may own and hold and may lease, sell or, in any other manner not inconsistent with the object or terms of the grant or grants under which it holds, dispose of any property, real or personal, or any estate or interest therein remaining, of any grant by any governmental unit or by any person, or accruing to the corporation from any source, as it may deem best for the purposes of the university. The president with the approval of the board shall be authorized to execute any lease, deed, or other instrument of conveyance on behalf of the corporation, without additional approval.

“The board of trustees shall have the exclusive authority over and jurisdiction of land, buildings and other capital improvements now existing on or hereinafter provided for said campus or other facility. No contract for capital improvements, alterations, remodeling and changing of capital improvements shall be made without

the authorization and approval of the board of trustees, and which approval shall be granted by appropriate resolutions of said body. Any contract, agreement or other act relating to capital improvements shall be void and of no effect unless authorized by resolutions of said board. This shall include the making of change orders, alterations and all other matters concerning the construction of or improvements to buildings located on any campus or other facility, except such changes and alterations as involve an expenditure of less than \$5,000.00 and expenditures for repair and maintenance.

"All acts of Livingston University and the University of West Alabama lawfully done prior to the effective date of this act by the board of trustees or by the executive officer, are hereby approved, ratified and confirmed.

"§16-53-3.

"(a) The board of trustees of the state educational institution now known as the University of West Alabama, but formerly known as Livingston University, as Livingston State Teachers College, and by various other names, shall consist of two members from the congressional district in which the primary campus office of the institution is located, one member from each of the other congressional districts in the state, four members from the state-at-large, the State Superintendent of Education and the Governor, who shall be ex officio chair of the board. Trustees serving on the effective date of this act shall serve out the terms for which they had previously been appointed. Successors to the trustees hereinabove provided for shall be appointed by the Governor, by and with the advice and consent of the Senate, each for a term of 12 years and until his successor has been appointed and has qualified. Unless the number of congressional districts is reduced or increased, three of the successors to the members from the congressional districts shall be so appointed in 1999 and every 12 years thereafter, three in 2003 and every 12 years thereafter and three in 2007 and every 12 years thereafter. Two of the successors to members from the state-at-large shall be appointed in 1999 and each 12 years thereafter, and two in 2003 and each 12 years thereafter. If the number of congressional districts is reduced or increased, then successors to the trustees from the districts shall be appointed in such manner that, as nearly as possible, one third of such members shall be appointed each fourth year, each for a term of 12 years.

"(b) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

"(c) No employee of the University of West Alabama, or any person related by blood or marriage to the chief executive officer of said school, shall be eligible to serve on its board of trustees.

“(d) No member of the board shall, individually, as a partner, as a stockholder, board member or officer of a corporate body, conduct any business transaction, directly or indirectly, with the University of West Alabama. Any such person who does so shall be immediately removed from the board of trustees and replaced by appointment by the Governor for the unexpired portion of his term. The chief executive officer of the university shall not as an individual or as an incorporator, officer or director of any profit-making company, corporation, association, partnership or other organization engage in any business in any manner which will conflict with his duties as such chief executive officer or with the best interest of the university or the students enrolled therein. Nothing herein shall be construed to forbid such chief executive officer from serving as a trustee of another educational institution or as an officer of a church or other eleemosynary institution or as an officer, director or trustee of any organization when no profit will accrue to him or his immediate family from any business done by such organization for or with the university or the students enrolled therein. Should the chief executive officer of the university engage in any business in contravention of this provision, such action shall be sufficient cause for his immediate removal by the board of trustees.

“(e) Should the number of congressional districts be reduced by reason of reapportionment or otherwise, resulting in the term of the member representing the district eliminated being terminated, the number of state-at-large members shall be increased in proportion to the number of such members whose terms are terminated.

“§16-53-4.

“The Board of Trustees of the University of West Alabama shall hold its regular annual meeting each year at the college on the first Monday in June, unless the board shall in regular session determine to hold its meeting at some other time and place. Thereafter, the board shall hold quarterly meetings on the first Monday of each third month after the annual meeting, except that when that first Monday is a State of Alabama holiday, the meeting shall be held on the next Monday which is not a state holiday, unless the board shall in regular session determine to hold its quarterly meeting at some other time or place. Special meetings of the board may be assembled by either one of the two methods outlined as follows:

“(1) Special meetings of the board may be called by the Governor. In calling such special meetings, the Governor shall mail a written notice to each trustee at least 10 days in advance of the date of such meetings.

“(2) Upon the application in writing of any eight members of the board, the Governor shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meetings shall not be

held on a date less than 10 days subsequent to the notice from the Governor.

“The executive committee of said board and other committees of said board shall hold meetings at such times and on such dates as the board of trustees may provide.

“§16-53-6.

“The board of trustees has the power to organize the university by appointing a president, and appointing a corps of instructors, who shall be styled the faculty of the university, and such other instructors and officers as the interest of the university may require; and to remove any such president, instructors or other officers and to fix their salaries or compensation and increase or reduce the same at its discretion; to regulate, alter or modify the government of the university, as it may deem advisable; to prescribe courses of instruction, rates of tuition and fees; to confer such academic and honorary degrees as are usually conferred by institutions of similar character; to designate one or more depositories for school funds; and to do whatever else it may deem best for promoting the interest of the university.

“§16-53-7.

“After the effective date of this act, the board of trustees created by this chapter for the University of West Alabama shall have exclusive jurisdiction, supervision and control of the University of West Alabama, a state educational institution vested with governmental immunity; and the State Board of Education is divested of all jurisdiction, power and authority with regard to the supervision, management and control of such university except as otherwise herein provided. In addition to the powers, duties and authority hereinabove vested in the board of trustees, such board shall have and exercise all power, authority and duties heretofore conferred on, vested in or required of the State Board of Education under any laws of this state with regard to the supervision, management and control of such university except as otherwise herein provided. The University of West Alabama is a public institution created by the state for educational purposes and any such campus or facility of the university is a part or branch of said state educational institution vested with governmental immunity, and shall constitute an arm or instrumentality of the State of Alabama. Provided, any such campus, other than the primary campus located in Livingston, Alabama, may provide education through internships and shall offer no other type of undergraduate or graduate collegiate credit or courses without approval pursuant to Section 16-5-8. Within the confines of any such campus or facility, such board of trustees shall have exclusive jurisdiction, except as provided for under Sections 16-5-1 through

16-5-33, inclusive, over the governance, supervision, management, and control of such campus or facility and such duties as are assumed and exercised by the board pursuant to the authority herein granted. In addition to other powers, duties, and authority, with regard to any campus or facility, the board of trustees is hereby vested with certain statutory powers granted to a municipality under the laws of this state, including, Sections 11-47-1 through 11-47-24, inclusive, Sections 11-47-110 through 11-47-140, inclusive, Sections 11-47-170 through 11-47-173, inclusive, Sections 11-47-190 through 11-47-192, inclusive, and Sections 11-47-210 through 11-47-220, inclusive, except when in conflict with the provisions of this chapter, and specifically excluding the power to levy taxes. Such governmental unit shall be authorized to receive federal and state grants as a municipality, and to jointly participate as a grant participant with the county in which such campus or facility is located. Such board may request the assistance of the state, the county in which the campus or facility is located, or any municipality within the corporate limits or police jurisdiction of which such campus or facility may be located, in which event the jurisdiction of any such state, county, or municipal authority, when performing such duties at the request of such board of trustees, shall be coextensive with the university or its board of trustees within any such campus or facility of the university. Provided the grant of such statutory municipal powers to the university and its board of trustees shall not change the character of the university as an arm of the State of Alabama, and such grant and the exercise of such powers shall not constitute a waiver of, nor change, amend, or diminish the immunity granted to the university, its board of trustees, and its employees pursuant to Section 14 of the Constitution of Alabama of 1901, and the grant and exercise of such powers relating to liability pursuant to Sections 11-47-190 through 11-47-192, inclusive, shall not change, amend, or diminish such immunity. The grant and exercise of the powers set forth in Sections 11-47-190 through 11-47-192, inclusive, is cumulative and in addition to the constitutional immunity provided by Section 14, and applies to claims and actions which do not present a claim or action against the state.

“§16-53-9.

“The certificate of the chair of the board or, in his absence, of the chair pro tempore, countersigned by the secretary, shall entitle the several trustees to the payment of their actual expenses incurred in the discharge of their duties as such trustees.

“§16-53-12.

“(a) The president of the University of West Alabama, with the approval of the board of trustees, is hereby authorized to appoint and employ suitable persons to act as police officers to provide secu-

city and enforce the applicable laws on, and to keep off intruders and prevent trespass upon and damage to, the property and grounds of the university. Such persons shall be charged with all the duties and invested with all the powers of police officers and may eject trespassers from the university buildings and grounds, and may, without a warrant, arrest any person guilty of disorderly conduct or of trespass upon the property of the university committed in their presence, and carry them before the nearest district court, before which, upon proper affidavit charging the offense, any person so arrested may be tried and convicted as in cases of persons brought before him on his warrant; and such officers shall have authority to summon a posse comitatus and may, with a warrant, arrest any persons found upon or near the premises of the university charged with any public offense and take them before any proper officer.

“(b) The police officers provided for in this section shall cooperate with and, when requested, furnish assistance to the regularly constituted authorities of any municipality, the corporate limit or police jurisdiction of which, adjoins any campus of the university; and their jurisdiction and authority shall be coextensive within the corporate limits of each municipality.”

Section 2. The additional powers granted to the University of West Alabama by this act, and specifically those powers to provide education through internships and the vestment of powers similar to those granted to a municipality, shall be limited to the campus in Sumter County and any facility now or hereafter located in Bullock County.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:03 A.M.

Act No. 99-702

S. 8 – Senator Little (T)

AN ACT

To amend Sections 11-40-30 to 11-40-36, inclusive, Code of Alabama 1975, which authorize Class 1 municipalities to move or demolish buildings and structures or parts thereof that are found by the municipal governing body to be unsafe and that are a public nuisance, to authorize all municipalities to use the same procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-40-30 to 11-40-36, inclusive, Code of Alabama 1975, are amended to read as follows:

“§11-40-30.

“Any incorporated municipality of the state may, after notice as provided herein, move or demolish buildings and structures, or parts of buildings and structures, party walls, and foundations when found by the governing body of the municipality to be unsafe to the extent of being a public nuisance from any cause.

“§11-40-31.

“The term “appropriate municipal official” as used in this article shall mean any municipal building official or deputy and any other municipal official or municipal employee designated by the mayor or other chief executive officer of the municipality as the person to exercise the authority and perform the duties delegated by this article. Whenever the appropriate municipal official of the municipality finds that any building, structure, part of building or structure, party wall, or foundation situated in the municipality is unsafe to the extent that it is a public nuisance, the official shall give the person or persons, firm, association, or corporation last assessing the property for state taxes and all mortgagees of record, by certified or registered mail to the address on file in the tax collector’s or revenue commissioner’s office, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within a reasonable time set out in the notice, which time shall not be less than 30 days or suffer the building or structure to be demolished by the municipality and the cost thereof assessed against the property. The mailing of the certified or registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of the order, or a copy thereof, shall, within three days of the date of mailing, also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure.

“§11-40-32.

“(a) Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body of the municipality, together with his or her objections to the finding by the municipal official that the building or structure is unsafe to the extent of becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the municipal

official until determination thereon is made by the governing body. Upon holding the hearing, which hearing shall be held not less than five nor more than 30 days after the request, or in the event no hearing is timely requested, the governing body, after the expiration of 30 days from the date the notice is given, shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the governing body that the building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order the building or structure to be demolished. The demolition may be accomplished by the municipality by the use of its own forces, or it may provide by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting from the demolition.

“(b) Any person aggrieved by the decision of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the clerk of the municipality and the appeal shall be docketed in the court, and shall be a preferred case therein. The clerk of the municipality shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination of the governing body in its proceedings. Any trials shall be held without jury upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

“§11-40-33.

“Upon demolition of the building or structure, the appropriate municipal official shall make a report to the governing body of the cost thereof, and the governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and assessing the costs against the property. The proceeds of any moneys received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof. The municipal clerk of the municipality shall give notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the tax collector's or revenue commissioner's records on the property or is otherwise known to the clerk. The fixing of the costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and

confirmed shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. A certified copy of the resolution shall also be filed in the office of the judge of probate of the county in which the municipality is situated. Upon filing, the tax collector or revenue commissioner of county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the municipality.

“§11-40-34.

“The municipality may assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the state of Alabama at any sale for the nonpayment of taxes, and where the assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the municipality for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the municipality.

“§11-40-35.

“Payment of the assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48, as the same has heretofore or may hereafter be amended. Any Class 2 municipality may use the provisions of Section 11-48-48.1 as the same has heretofore or may hereafter be amended. Upon the property owner’s failure to pay the assessment the officer designated by the municipality to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive. The municipality may, in the latter notice, elect to have the tax collector or revenue commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the tax collector or revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.

“§11-40-36.

“This article is cumulative in nature and is in addition to any power and authority which any municipality may have under any other law.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved December 7, 1999

Time: 11:03 A.M.

Act No. 99-703

S. 10 – Senator Butler

AN ACT

To amend Section 11-3-2, Code of Alabama 1975, to authorize county commissioners to serve on public boards, commissions, and authorities as otherwise permitted under the Constitution of Alabama of 1901 and the laws of this state; and to ratify and confirm prior service on public boards, commissions, and authorities by county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-3-2, Code of Alabama 1975, is amended to read as follows:

“§11-3-2.

“(a) Subject to the restrictions of Section 280 of the Constitution of Alabama of 1901 and the laws of this state, one member of a county commission may be appointed to and may serve on public boards, commissions, and authorities within this state unless authorized by law. Notwithstanding the foregoing, this subsection shall not be interpreted to authorize a county commission to appoint a member to serve on the board of any authority, corporation, or association organized pursuant to Chapter 21 of Title 22 unless the appointment is authorized in the articles of incorporation of the authority, corporation, or association.

“(b) All service on a board, commission, or authority by a member of a county commission prior to the effective date of the act amending this section meeting the requirements of subsection (a) and all actions taken by any member of a county commission acting in his or her official capacity on the board, commission, or authority are ratified and confirmed.

“(c) A member of a county commission shall not be reimbursed for expenses by the public board, commission, authority, and the county commission on which he or she serves, however, the member may elect to be reimbursed from either the public board, commission, authority, or the county commission.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law, and shall have retroactive effect.

Approved December 7, 1999

Time: 11:04 A.M.

Act No. 99-704

S.J.R. 30 – Senator Little (T)

SENATE JOINT RESOLUTION

AMENDING ACT 99-183, CREATING THE SCHOOL VIOLENCE JOINT INTERIM LEGISLATIVE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That SJR45 of the 1999 Regular Session, now appearing as Act 99-183, is amended to read as follows:

“The School Violence Joint Interim Legislative Committee is created. The committee shall be composed of the following 17 members:

“(1) The Governor, or a designee.

“(2) The Lieutenant Governor, or a designee.

“(3) The Attorney General, or a designee.

“(4) Two members of the Senate appointed by the Lieutenant Governor.

“(5) Two members of the House of Representatives appointed by the Speaker of the House.

“(6) The chair of the Senate Education Committee.

“(7) The chair of the House Education Committee.

“(8) A representative of school personnel appointed by the State Superintendent of Education.

“(9) Two professional child psychologists or other professional counselors, skilled in the area of children’s issues and crisis management, appointed by the Governor.

“(10) Two parents, each of whom have a child or children of school age, one each appointed by the Lieutenant Governor and the Speaker of the House.

“(11) Two law enforcement officials in the state, one each appointed by the Lieutenant Governor and the Speaker of the House.

“(12) The State Superintendent of Education, or a designee.

“The Committee shall meet at least once in each of the eight state school board districts prior to compiling its report. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. Eight members shall constitute a quorum for the conduct of its business. The committee shall study all facets of school violence in this state including preventative measures and crisis management.

“Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than July 15, 2000, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Each legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Each nonlegislative member of the committee, who is not otherwise reimbursed by public funds, shall be entitled to, and shall receive, the same travel per diem and expenses that are paid to state employees for each day the nonlegislative member attends a meeting of the committee, including the attendance of meetings prior to the adoption of this amendatory act. Upon requisitions signed by the chair of the committee, these payments shall be paid out of any funds appropriated to the use of the Legislature by means of warrants drawn by the State Comptroller on the State Treasury. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance on other state business. The total expenditures of the committee shall not exceed ten thousand dollars (\$10,000).”

Approved December 7, 1999

Time: 4:55 P.M.

Act No. 99-705

S. 16 – Senator Smitherman

AN ACT

Amending Section 16-28-16 of the Code of Alabama 1975; specifying that each child who enrolls in a public school, whether or not the child is required by law to enroll, is subject to the school attendance and truancy laws of the state; providing an effective date; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-28-16 of the Code of Alabama 1975, is amended to read as follows:

“§16-28-16.

“(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

“(b) Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any partent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feels that it is in the best interest of that child shall have the right to withdraw the child at anytime prior to the current compulsory attendance age.”

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill requires expenditures only by a school board.

Section 3. This act shall become effective on July 1, 2000, following its passage and approval by the Governor, or otherwise becoming law.

Approved December 9, 1999

Time: 8:09 A.M.

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1999 SECOND EXTRAORDINARY SESSION

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Madison Co., gasoline tank farm, location required to be within five miles of fire dept., approval by local governing body—Act 99-694, 1999 2nd SS, HB11201

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Calhoun Co., Fort McClellan Development Commission abolished, Act 97-274, 1997 Reg. Sess. repealed—Act 99-666, 1999 2nd SS, HB33165

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Fraley, Robert, death mourned—Act 99-620, 1999 2nd SS, HJR3029

Fraley, Robert, death mourned—Act 99-678, 1999 2nd SS, SJR17181

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Alabama Business Privilege and Corporate Shares Tax Act of 1999, estab., uniform corporate taxation levied, new statewide shares tax, Secs. 10-2B-15.02, 10-2B-16.22, 27-4A-3, 40-1-3, 40-11-1, 40-16-4, 40-16-6, 40-16-8 am'd.; Secs. 40-5-16, 40-14-1 to 40-14-4, incl., 40-14-21 to 40-14-23, incl., 40-14-40 to 40-14-58, incl., 40-14-70 to 40-14-74, incl., 40-21-29, 40-24-1 to 40-24-8, incl. repealed—Act 99-665, 1999 2nd SS, HB1131

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- Etowah Co., deputy sheriffs and other co. employees, uniform allow. and hazardous duty pay, retro. effect, Act 81-1192, 1981 3rd Sp. Sess. am'd.—Act 99-657, 1999 2nd SS, HB72112

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- Poly-Cystic Kidney Disease Awareness Day, Governor requested to designate—Act 99-623, 1999 2nd SS, HJR3334

HEALTH DEPARTMENT

- Appropriations, supplemental to various st. agencies, cert. condit. approps., Act 99-441, 1999 Reg. Sess. am'd.—Act 99-630, 1999 2nd SS, SB2540

HIGHWAYS, ROADS, AND BRIDGES

- Aldrich Gunn, Jr., Highway, portion of US 79 from the intersection of 10th Avenue and 40th Street North and ending at the City of Tarrant, renamed—Act 99-611, 1999 2nd SS, HJR1122
- American Veterans Highway, portion of US 31 beginning at City of Fultondale and ending at City of Gardendale, named—Act 99-612, 1999 2nd SS, HJR1222
- Donald R. Stallworth, Sr., Bridge, bridge over Pine Barren Creek on Hwy. 45 near Vinegar Bend, named—Act 99-613, 1999 2nd SS, HJR1323
- Erwin, Lawley, and McLaughlin Medal of Honor Highway, Hwy. 119 through Shelby Co., named—Act 99-618, 1999 2nd SS, HJR2627
- John Hawkins Parkway, portion of Hwy. 150 between Hwy. 31 and South Shades Crest Road in Hoover, named—Act 99-605, 1999 2nd SS, HJR515
- John Hawkins Parkway, portion of Hwy. 150 between Hwy. 31 and South Shades Crest Road in Hoover, named—Act 99-624, 1999 2nd SS, SJR235

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INCOME TAX (See also TAXATION)

- Corporate income tax, conformance with federal corporate income tax, Financial Institution Excise Tax rate incr. effective on ratification of const. amend. increasing corporate income tax, Secs. 40-16-4, 40-16-6, 40-18-16, 40-18-31, 40-18-32 to 40-18-35, incl., am'd.; Secs. 40-18-31.1, 40-18-36, 40-18-38 repealed—Act 99-664, 1999 2nd SS, HB4124
- Corporate income tax, rate increased to 6.5 percent starting year 2001, sp. election March 21, 2000, Amendment 212, Constitution of Alabama of 1901 am'd., const. amend.—Act 99-600, 1999 2nd SS, HB311
- General Fund, cert. income tax, leasing tax, tobacco tax, sales and use tax, redistributed to Gen. Fund from Education Trust Fund, effective January 1, 2001, under cert. conditions, Secs. 40-12-227, 40-23-2, 40-23-61, 40-23-108, 40-25-23 am'd.—Act 99-650, 1999 2nd SS, HB296

**INDUSTRIAL DEVELOPMENT (See BUSINESS AND
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INSURANCE

- Motor vehicles, liability insurance, requirement as a condition
to register vehicle, effective date alt., Act 99-430, 1999 Reg.
Sess. am'd.—Act 99-696, 1999 2nd SS, HB18204

INSURANCE DEPARTMENT

- Motor vehicles, liability insurance, requirement as a condition
to register vehicle, effective date alt., Act 99-430, 1999 Reg.
Sess. am'd.—Act 99-696, 1999 2nd SS, HB18204

INTEREST

- Wallace Plan for Linked Deposits, termination date retroac-
tively extended until September 30, 2003, interest rate, eligi-
bility for cert. agricultural and business operations, loan
requirements, max. amts., handling charge or fee prohib.,
Secs. 5-21-3 to 5-21-7, inclusive, 5-21-9, 5-21-11 am'd.—Act
99-659, 1999 2nd SS, HB69113

INTERNET

- Lauderdale Co., telecommunication services, including cable,
Internet, computer services, muns. and municipal instrumen-
talities auth. to operate—Act 99-646, 1999 2nd SS, HB2187

INTERPRETERS AND TRANSLITERATORS BOARD

- Interpreters and Translitterators Bd., approp. from Interpreters
and Translitterators Fund—Act 99-636, 1999 2nd SS, SB4653

JACKSON COUNTY

- Jackson Co., co. comm. may levy add'l. service of process fee for
service of civil papers by sheriff, add'l. co. lease tax, and add'l.
delinquent penalty on ad valorem tax, distrib. to co. gen.
fund—Act 99-672, 1999 2nd SS, HB50174
- Jackson Co., swine farming operations, co. comm. auth. to abate
as nuisance under cert. conditions, procedure—Act 99-649,
1999 2nd SS, HB5195

JAILS (See also PRISONS AND PRISONERS)

- Cullman Co., ct. costs in cir., dist., and probate ct., transaction
fee in revenue commissioner's office, add'l. for new jail, juve-
nile and judicial facilities, maintenance of courthouse and
other co. buildings, fund estab. for juvenile justice programs,
repealed, Act 99-419, 1999 Reg. Sess. repealed—Act 99-639,
1999 2nd SS, HB1054
- Washington Co., co. jail inmates, work release program
repealed, Act 84-537, 1984 Reg. Sess. repealed—Act 99-644,
1999 2nd SS, HB3886

JEFFERSON COUNTY

- Jefferson Co., Assistant Tax Collector-Bessemer Div., automo-
bile exp. allow., Act 95-735, 1995 Reg. Sess. am'd.—Act 99-645,
1999 2nd SS, HB1786

Jefferson Co., occupational tax repealed effective April 1, 2000,
Act 406, 1967 Reg. Sess. repealed—Act 99-669, 1999 2nd SS,
HB29168

Jefferson Co., tax assessor, assistant tax assessor, Birmingham
Div., Chief Deputy, Birmingham and Bessemer Divisions, exp.
allow. and comp.—Act 99-647, 1999 2nd SS, HB3093

JUDGE, PROBATE

Baldwin Co., judge of probate and revenue commissioner,
branch offices, add'l. locations, retro. effect, Act 155, 1971 3rd
Sp. Sess. repealed—Act 99-655, 1999 2nd SS, HB47109

Cullman Co., ct. costs in cir., dist., and probate ct., transaction
fee in revenue commissioner's office, add'l. for new jail, juve-
nile and judicial facilities, maintenance of courthouse and
other co. buildings, fund estab. for juvenile justice programs,
repealed, Act 99-419, 1999 Reg. Sess. repealed—Act 99-639,
1999 2nd SS, HB1054

Motor vehicles, liability insurance, requirement as a condition
to register vehicle, effective date alt., Act 99-430, 1999 Reg.
Sess. am'd.—Act 99-696, 1999 2nd SS, HB18204

Washington Co., judge of probate, revenue commissioner, sher-
iff, reimbursement by co. comm. for good faith errors under
cert. conditions including worthless checks—Act 99-652, 1999
2nd SS, HB49106

JUSTICE, BROOKE

Justice, Brooke, commended—Act 99-676, 1999 2nd SS, SJR10179

JUVENILE COURT (See COURT, JUVENILE)

JUVENILES (See also CHILDREN)

Cullman Co., ct. costs in cir., dist., and probate ct., transaction
fee in revenue commissioner's office, add'l. for new jail, juve-
nile and judicial facilities, maintenance of courthouse and
other co. buildings, fund estab. for juvenile justice programs,
repealed, Act 99-419, 1999 Reg. Sess. repealed—Act 99-639,
1999 2nd SS, HB1054

KIDNEY DISEASE

Poly-Cystic Kidney Disease Awareness Day, Governor
requested to designate—Act 99-623, 1999 2nd SS, HJR3334

KOSTICK, MARIE

Kostick, Marie, commended—Act 99-619, 1999 2nd SS, HJR2728

LANDRUM, EDWARD DOZIER

Landrum, Edward Dozier, death mourned—Act 99-608, 1999
2nd SS, HJR818

LAUDERDALE COUNTY

Lauderdale Co., telecommunication services, including cable,
Internet, computer services, muns. and municipal instrumen-
talities auth. to operate—Act 99-646, 1999 2nd SS, HB2187

LAW ENFORCEMENT OFFICERS (See also **SHERIFFS**)

Motor vehicles, liability insurance, requirement as a condition to register vehicle, effective date alt., Act 99-430, 1999 Reg. Sess. am'd.—Act 99-696, 1999 2nd SS, HB18204

University of West Alabama, Livingston University renamed, bd. of trustees, duties, powers, authority, campus includes other facilities, university law enforcement officers, police powers granted, municipal powers, governmental immunity provided, venue for civil actions, Secs. 16-53-1 to 16-53-4, incl., 16-53-6, 16-53-7, 16-53-9, 16-53-12 am'd.—Act 99-701, 1999 2nd SS, SB7.....210

LAWLEY, WILLIAM R., JR.

Erwin, Lawley, and McLaughlin Medal of Honor Highway, Hwy. 119 through Shelby Co., named—Act 99-618, 1999 2nd SS, HJR2627

LAWSON STATE COMMUNITY COLLEGE

Dr. Ethel H. Hall Health Professions Building at Lawson State Community College, named—Act 99-610, 1999 2nd SS, HJR10.....21

LEASE TAX (See also **TAXATION**)

General Fund, cert. income tax, leasing tax, tobacco tax, sales and use tax, redistributed to Gen. Fund from Education Trust Fund, effective January 1, 2001, under cert. conditions, Secs. 40-12-227, 40-23-2, 40-23-61, 40-23-108, 40-25-23 am'd.—Act 99-650, 1999 2nd SS, HB296

Jackson Co., co. comm. may levy add'l. service of process fee for service of civil papers by sheriff, add'l. co. lease tax, and add'l. delinquent penalty on ad valorem tax, distrib. to co. gen. fund—Act 99-672, 1999 2nd SS, HB50174

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General Fund, cert. income tax, leasing tax, tobacco tax, sales and use tax, redistributed to Gen. Fund from Education Trust Fund, effective January 1, 2001, under cert. conditions, Secs. 40-12-227, 40-23-2, 40-23-61, 40-23-108, 40-25-23 am'd.—Act 99-650, 1999 2nd SS, HB296

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